TWO MEN OF TAUNTON

ROBERT TREAT PAINE

Memorial Statue, Taunton

Two Men of Taunton

In the Course of Human Events
1731 — 1829

By Ralph Davol

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WHEN IN THE COURSE OF HUMAN EVENTS it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. — *Declaration of Independence*, July 4, 1776.

Greeting

The simple Truth is all we ask,
Not the Ideal.
We set ourselves the noble task
To find the Real.

THE Historical Society serves as a sort of tap-root of expanding civilization. The more zealous and active members are continually penetrating the mouldered Past, trying to feed the budding leaves of the Future.

" The fallen leaves nourish the tree that it shall be clothed anew."

Somewhat after the manner of the apple-tree roots that followed the decaying bones of Roger Williams, and preserved the form of the man in the vegetable kingdom after it had left the animal, has the writer, a member of the Old Colony Historical Society, chosen to follow out, through scattered archives, a few buried facts in an effort to preserve in the Kingdom of Letters some outline of two long-vanished Yankee gentlemen, with the hope that another generation may find profit or pleasure in reading of men who held high seats in the councils of their day. As these two personages came upon the stage at a robust period, giving fine opportunity for distinction, it seems worth while to attempt to rehabilitate their

careers with some warmth of life; to show what they stood for in their day and generation; to revive awhile the contemporaneous pulse-beat; and give a glimpse of the depth of feeling, suffering, sacrifice, and heartrending attendant upon those days of stirring thought and action, when one people were severing the political bands which bound them to another; when families were sundered in the sifting of parties; when the Lion and the Unicorn (the arms of King George with the garter motto, "*Honi soit qui mal y pense*") gave place to the lone Indian and uplifted arm on the seal proclaiming, "*Ense petit placidam sub libertate quietem*"; when, at the close of the Thanksgiving proclamation, "God save the King" became "God save the Commonwealth of Massachusetts."

During that era in which this story lies, novels were often constructed in a series of personal letters, such as the immortal *Clarissa Harlowe*, *Humphrey Clinker*, or the American *Eliza Wharton*. The first impulse was to present the lives and times of our subjects in gossipy letters, supposed to be written by local characters who discussed events of their day. This proved a more unsatisfactory task than had been anticipated. Second Thought whispered that an attractive method of preserving the peaches of Truth in a syrup of Fiction might be to attempt a biographical romance.

What better underlying groundwork could a romancer ask around which to weave the delicate embroidery of his fancy? These central figures, though local, have many experiences touching the universal comedy and tragedy — a christening in the Old South Church; a mother's life sacrificed to her child's existence; two students at Harvard College; their subsequent rivalries in love, law, and politics; the strategy by which one is decoyed from his duties by the other; a minister's son selling a slave in the Carolinas; a child demented as a result of political frenzy; two men severed in their associations by opposite views of government; one leaping into immortal fame by signing the Declaration of Independence, the other hunted from his home by fellow townsmen; the son of one hero a genius of letters, the son of the other an inebriate vagabond; a wife buried in the bosom of the ocean, and the pitiful tragic end, by his own hand, of a venerable expatriate in London. In such experiences, there is ample foundation for the story-teller who wishes to lead his reader into the Castles of Imagination where so many pleasant things occur. But even though the writer win the compliment given to Defoe ("he lies like the truth"), the matter-of-fact reader, skeptical and unsatisfied, might reward his pains by exclaiming, "Yes! Yes! All moonshine!" and fling the book into the open grate.

When the long-labored-on, semi-fictional chapters were submitted to venerable antiquarians, the author received the rather pointed injunction to forswear all fancy on the ground that Fact is more fascinating than Fiction; and after all, perhaps the finest charm of a story lies in measuring the incidents of one's own life with those which have actually happened to another; in knowing what that person was doing when at the same age; what relation the individual bore to the mass of humanity; what scenes his eyes beheld; what were his tastes and humors; what his changing points of view; how he governed his passions; and especially (for this is the real man) what thoughts went drifting through his brain from the mother's knee to tottering age. Our heroes, of course, passed through the same tremulous mental conditions as do we to-day — hope and melancholy, light and darkness, love and jealousy, pride and renunciation, temptation and triumph (the old passions remain the same, mind whetting against mind, heart wrestling with heart) — and it is the relation of these human passions to the different settings and varying times which makes the local color.

Then let it stand as an attempt at faithful portraiture executed with such liberties as the portrait painter is allowed. If, at any time, the reader has reason to suspect that the narrative is founded

on circumstantial evidence, he will please bear with the artisan, upon the plea that the original color had not all worked out of the brush. In twining these two lives together the writer takes a leaf from Plutarch, who frequently pairs his heroes for balance and relief, measuring a Greek against a Roman. In this case the brace of heroes were at one time neighbors, but followed opposite political stars, bringing widely divergent fortunes. The heat of action, long since cooled, has left each man in clear individuality. We are sufficiently far removed from the immediate theatre of their glory to untangle the snarl of alliances and feuds, and place their personal accomplishments in better perspective than could their neighbor, whose prejudice, pride, and jealousy was blinding him to see exactly each actor's true place in the quick-moving drama.

In assembling material for this book the writer is indebted to Charles F. Adams, Frank B. Sanborn, Henry C. Crane, Franklin Pratt, William G. Davis, C. H. Pope, Mary A. Tenney, Joshua Crane, D. Howard Briggs, Houghton Mifflin Co., James H. Stark, Perry Walton, Willard Leonard, Robert Reid, Old Colony Historical Society, Bostonian Society, Harvard University, Boston Athenæum, Mr. Tracy, curator of the State archives, and others.

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DANIEL LEONARD'S HOUSE AT TAUNTON GREEN

TWO MEN OF TAUNTON

Preamble

Under which king, Bezonian ? speak, or die.
Henry IV.

HAD you been living in the days of the American Revolution and chanced to stroll through the village of Taunton in the early morning, the last of May, 1774, you might have seen a gay young man, then turning his thirty-fourth birthday, arrayed in rich velvet coat, white stockings, bright-buckled shoes, and cocked hat flashing with gold braid, as he came forth from the mansion on the northwest side of the sprawling, pasture-like common, known throughout the Old Colony as "Ta'nt'n Green." Surveying the heavens with his weather eye, as he takes a pinch from his lacquered snuff-box, our fashionable friend walks down the box-lined path to the stable, where he gives sundry orders to Spencer, a colored groom, who, thereupon, changes his coat and crosses to the house newly erected on the northeast side of the Green. The slave sounds a heavy knocker and then, with respectful bow, communicates his message to a tall, spare man, in years rising forty, but appar-

elled with less regard to the latest mode of London than his neighbor.

An hour later this tall gentleman, carrying a white canvas bag and cane, emerges from his house with a small boy clinging to his finger and his young wife, sunbonnetted, by his side. Together, the trio walk to the mansion of their grand neighbor, who is conversing with his wife and six-year-old daughter in the blossom-scented dooryard. The family party is joined by such early-rising townsmen as young Dr. Cobb, Richard Caldwell, the storekeeper, Parson Caleb Barnum, and others alert to the imminent political crisis. Presently a pair of spirited horses, driven by an ebony Jehu, drag a yellow coach up to the front entrance. With a stirrup-cup and parting joke about saving their country, the eager discussion of men and matters of importance is broken off and the tall man and his neighbor (bidding their wives such a good-bye as men married four years bestow) enter the vehicle with their bags and pipes and canes, and at the crack of the whip are off to the northward on the old Bay Road.

Were you a stranger in the town, the village hairdresser would have told you that the two travellers were Colonel Leonard and Squire Paine, both lately elected to the General Court, and now setting out for the summer session at Boston.

Then if, like some daring school-boy without prejudice against a dust-bath, you could have chased behind, and stolen a seat on top of the horsehide trunk strapped to the rumble (dangling your feet over the brass nails, spelling the initials "D. L."), you might have heard a lively colloquy as they rolled along through the spring forest, whitened with flowering dogwood and fragrant with opening wild-grape blossoms. The conversation begins with comment on the glory of the morning and the freshness of nature; is interspersed with the greeting of friends, passing in chaises or on horseback; drifts into ominous episodes of the day — the omission this summer of the Harvard Commencement which they were wont to attend, omitted this year because of the fermenting state of public affairs; the Boston Tea Party of the previous winter; the bold burning of the Gaspée at Providence; the impeachment of Judge Oliver for accepting a salary from the Crown; the Port Bill about to go into effect and the sympathy for Boston, shown by towns far and near, in offering sheep, fish, meal, wood, and herring for her subsistence.

As they talked, feeling their way with cautious words, deep convictions were working to outward expression; each was gradually revealing his inmost personal attitude toward the impending crisis. Out of the depths of ancestral influences,

from delicate springs of temperament and association, came intuitive predilections which shaped their different views. Each felt in his heart presentiments of his relation to coming events; for "in to-day already walks to-morrow."

The occupants of this coach typified, in their attitude to each other, the fatal chasm between two political parties. The crucial dilemma, in which Paine and Leonard found themselves, of choosing between Friends of Government and Sons of Liberty, involved fame, property, home, and country. Paine, revolting against constituted authority, quotes Locke, Milton, Grotius, and argues for the right of secession, much as Calhoun did in the next century when South Carolina sought to withdraw from the Union. Paine upholds the rights of the colonies and contends that all authority is vested in the consent of the governed; that it is a fundamental right of the people to have some check or control on the legislature; that the laws of England should have no force here, unless confirmed by the General Court; if the right of taxation is conceded to Parliament, what power or influence is left to America?

Leonard replies that the power of Parliament is coextensive with the empire, and that George III is King of Massachusetts as much as of Nova Scotia or Ireland; that if the Crown cannot tax the colonies, it is not sovereign and there is no

general government; there cannot be two powers in the same State; to permit the lesser to withdraw from the greater will unhinge all government. Great Britain has protected the colonists in their wars, and America should bear a part of the national burden in return; she has cost more to maintain than has been received in taxes. He expatiates on the certainty of defeat for the raw Provincials in battle with the King's troops; and on the summary punishment of rebellion. England, determined to enforce her laws, will send an organized army to crush the undisciplined militia; her navy will destroy the towns along the coast, while Canadians and savages will desolate the inland settlements. Even should the colonists triumph, they would quarrel over boundaries and military rule by reason of diversity of laws and religion; and France and Spain would soon take their ancient possessions and divide the continent between them. If the colonists have any real grievance, it is not from illegal use of power by Parliament, but from lack of representation in that body.

Arguing around the circle, they try to keep within constitutional bounds, and if Leonard meets all his points, Paine falls back on "first principles." "Yes, I know," he replies, "but the natural law of right takes precedence over parliamentary statutes." If Leonard insists that loy-

alty to the Constitution is the first duty of the subject, Paine answers, "Between loyalty to King George and loyalty to King Conscience, I cannot hesitate." Paine seems to defy law and order, Leonard to obey them; one is appealing to the past, the other to the future. Leonard is a Unionist, Paine a secessionist.

The travellers smoke, gesticulate, and earnestly discuss the new Governor Gage, and his intention of convening the Legislature at Salem. As they draw near Milton, they speak of Governor Hutchinson, who is preparing to sail for England; and when Colonel Leonard proposes to drive in for a farewell call upon him, Squire Paine is careful to say "Good morning, Mr. Leonard," excusing himself on the ground of pressing business requiring his immediate attention in Boston, where we may assume that a short, gray-headed man, by the name of Sam Adams, was a greater attraction at that moment than the royal governor.

These two distinguished Tauntonians were thus gravitating — one toward Sam Adams, the other toward Thomas Hutchinson — the antipodal master-minds of the opposing Whig and Tory parties in Massachusetts.

It was some two months later that the final parting of the ways came for these fellow-travellers. Then, if you still lingered around Taunton Green, you might have seen, one August morning,

OLD STATE HOUSE, BOSTON

Squire Paine departing again, this time in his own chaise, escorted by cheering fellow-citizens wishing him God-speed upon his way, to the first American Congress. A few days later, Colonel Leonard steals away from his hearthstone to escape annihilation at the hands of his townsmen, and is destined never again to make his home in this region of his forbears.

Viewed from our standpoint of American ideals of patriotism and liberty, there is a strong temptation to treat melodramatically these two rivals, sanctifying Paine and vilifying Leonard. Even though Leonard made a monstrous mistake and missed his aim in life, we believe that his motives were pure, and do not charge him with evil designs against his country, nor brand him with obloquy. Turning the searchlight on all corners of Paine's career, we do not find a paragon of virtue.

Each was a success and each a failure; for so long as human ideals outrun human attainments, so long is each individual bound to be a self-convicted failure; so long as one is loyal to the daily dictates of implanted conscience and works bravely onward, he may be a glorious success. With one hand we hold fast to the good; with the other we reach out for the better. Always there is the outgrown established order, to which Leonard clung, at war with the eternal forward move-

ment of which Paine was a part. The thrill of most satisfying happiness comes when we let go the ancient order of things, do something new, and feel we are doing right; when the restraint of heredity, of habit, of the law of years is broken, and the liberated spirit cries, "I have found satisfaction in new things; I have left the old wrecks behind me." And so our sympathies remain with Paine.

These men were alike in many ways: both grew up only sons; both were Harvard graduates; both lawyers; once admirers of the same woman; both found homes on Taunton Green; always prominent in public office, both became judges; and both lived beyond threescore and ten. Sharp contrasting as well as parallel pictures come to view, and their diversified careers seem to conform remarkably to the Seven Ages which the English dramatist has set for this play of life. Then let us visualize the successive scenes in the eighteenth century, and follow the two players as they walk the stage, making their exits and their entrances, each, in due time, playing his many parts.

First the Infant.

Paine, nestled in furs, carried down School Street, in Boston, to be christened in the Old South Church; Leonard, a motherless babe, in

the arms of a negro nurse at Norton Plantations.

Then the School-boy.

Paine, slipping across to the Latin School, next door to his home, and reciting *bonus-a-um* to the famous schoolmaster Lovell; Leonard, barefooted, ruddy and freckled, riding his pony to the "deestreek" school at Winnecunnett, or delivering the class oration at Harvard in presence of the historian Hutchinson.

Next the Soldier.

Paine, the militant and adventurous young chaplain in the Crown Point Expedition against French and Indians; Leonard, in resplendent uniform, a lieutenant-colonel, drilling the raw recruits at the annual June muster on Taunton Green.

Then the Lover.

Paine, a tardy benedict, marries, with amusing suddenness, into an iron-master's family; Leonard starts out in a chaise on a "wedding tower" through New England with the charming daughter of Colonel White.

Next the Justice.

Squire Paine, after participating in the Continental Congress at Philadelphia and signing the Declaration of Independence, goes riding

through the woods of Maine, then a part of the court circuit of Massachusetts judges; while Leonard, in flowing, full-bottomed wig, dramatically presides over the motley population of the summery islands at Bermuda.

THE PANTALOON AGE.

Paine, gray and withered, walks in procession with his old comrades, Adams and Gerry, to arouse patriotism and the "spirit of '76," during the naval war with Great Britain; Leonard goes tapping with his cane along the brick sidewalks of London, muttering stories of his old life across the seas to children's willing ears.

LAST SCENE OF ALL.

Paine passes out of life, in the bosom of his family, to lie buried but a few steps from the spot where he was born; Leonard, after his tragic end, is lonesomely buried in the heart of the biggest city in Christendom.

The sources from which this book is compiled are brief sketches of Leonard and Paine in various publications; their letters in the possession of individuals, families, and historical societies; and other unpublished "monuments of vanished minds." The private journal of Paine was the *sine qua non*, kindly placed by his descendants at the writer's disposal.

The daily chronicles of Bradford, Winthrop, the Mathers, Sewall, and the Adamses embalm the history of New England before the advent of the daily paper. These were not meagre records of the weather and their own whereabouts, but comment on men and things, their opinions, prejudices, aims — the vital movements of the days we wish to know. A record of Leonard's thoughts, emotions, and succeeding incidents in his life might have more charm than those of Paine; but his papers were scattered to the four winds or kindled into bonfires by unsympathetic hands.

Paine kept a journal nearly seventy years, skipping scarcely a day, except from September 3 to September 15, 1752, when Clio herself has left no record of English history. This journal, an epitome of legal conciseness, — a mere brief of his earthly pilgrimage, — is extant, save the log of his maritime wanderings; but is provokingly lean and unfruitful, — a faithful weather report and laconic entries of daily problems uppermost in his mind. He was not so gifted with ready flow of language, as Jonathan Sewall or Peter Oliver; nor had he such a reflective turn as John Adams. For example, in reference to the above-mentioned change in the calendar, Paine's full entry in his journal is merely this:

September 15, 1752. This day, according to Act

of Parliament, we begin to count time according to the Gregorian Calendar.

Thomas Jefferson, Ben Franklin, or John Adams would have philosophized on the occasion which added eleven days to their lives at one clip, and gave Franklin excuse for keeping two birthdays.[1]

As their principal contemporary, weighing these men in the balances of judgment, we turn to John Adams, whose inquiring mind was always dissecting his associates in his private records, sometimes using, it almost seems, the quill of a porcupine dipped in vinegar.

Daniel Leonard and John Adams were intimate friends for a dozen years, associated socially, politically, professionally. After their separation, Adams, looking back through half a century to the misty figures of early manhood, once spoke of his friendship with Leonard as "a vapor blown off by political winds." Again he wrote to Josiah Quincy:

I have differed for many years in political sentiments from your grandfather, your uncle Samuel,

[1] The discrepancy between the solar and calendar year had been increasing for centuries, so that the Protestant and Roman Catholic countries assigned this time for a readjustment of the calendar; while the Greek Church to this day retains the old form.

JOHN ADAMS
By Stuart

your cousin Jonathan Sewall, Daniel Leonard, and some others, the most intimate friends I ever enjoyed, without the smallest personal altercation, and, I am bold to say, without diminution of esteem on either side.

In a letter to Dr. Jedidiah Morse, dated Quincy, December 22, 1815, Adams again refers to his brother barristers (Leonard, Jonathan Sewall, Samuel Quincy) as his

cordial, confidential, and bosom friends. I never, in the whole course of my life, lived with any other men in more perfect intimacy. They all had been patriots, as decided, as I believed, as I was.

He adds:

Leonard was a scholar, a lawyer, and an orator, according to the standard of those days. As a member of the House of Representatives, even down to the year 1770, he made the most ardent speeches which were delivered in that House against Great Britain, and in favor of the Colonies. His popularity became alarming. The two sagacious spirits, Hutchinson and Sewall, soon penetrated his character, of which, indeed, he had exhibited very visible proofs. He had married a daughter of Mr. Hammock, who had left her a portion, as it was thought in that day. He wore a broad gold lace around the rim of his hat, he had made his cloak glitter with laces still broader, he had set up his chariot and pair, and constantly travelled in it from Taunton

to Boston. This made the world stare; it was a novelty. Not another lawyer in the province, attorney or barrister, of whatever age, rank, or station, presumed to ride in a coach or in a chariot. The discerning ones soon perceived that wealth and power must have charms to a heart that delighted in so much finery, and indulged in such unusual expense. Such marks could not escape the vigilant eyes of the two arch-tempters, Hutchinson and Sewall, who had more art, insinuation, and address than all the rest of their party. Poor Daniel was beset with great zeal for his conversion. Hutchinson sent for him, courted him with the ardor of a lover, reasoned with him, flattered him, overawed him, frightened him, invited him to come frequently to his house. As I was intimate with Mr. Leonard during the whole of this process, I had the substance of this information from his own mouth, was a witness to the progress of the impression made upon him, and to many of the labors and struggles of his mind, between his interest, his vanity, and his duty.

The relation of Adams to Paine was different. Both have left plain evidence of their opinions of each other. Under the greensward of outward amiability was a subsoil of jealous rivalry, turned by the plough of occasion to the surface. Paine was proud. Adams (frankly announcing it in his diary) was self-seeking, vain, a "home-made" man, courageous, tenacious, forceful. Much to

the amusement of Paine, Adams made an inglorious debut in his first case at law. In the excitement of his new experience, he had drawn a defective writ, so that his client, who had been inclined to encourage the new beginner, repented his folly and "wished the affair in Hell."

Adams, aged twenty-three, says of Paine, aged twenty-eight:

How should I bear Bob Paine's detraction? Should I be angry and take vengeance by scandalizing him? or should I be easy, undisturbed, and praise him as far as he is praiseworthy? — return good for evil? I should have been well pleased, if he had said I was a very ingenious, promising, young fellow; but, as it is, I am pretty easy.

1758. December 3. Bob Paine is conceited, and pretends to more knowledge and genius than he has. I have heard him say that he took more pleasure in solving a problem in algebra than in a frolic. He told me, the other day, that he was as curious after a minute and particular knowledge of mathematics and philosophy as I could be about the laws of antiquity. He asked me what Dutch commentator I meant? I said, "Vinnius." "Vinnius!" says he (with a flush of real envy, but pretended contempt); "you cannot understand one page of Vinnius." He must know that human nature is disgusted with such incomplaisant behavior; besides, he has no right to say that I do not understand every word in Vinnius, for he knows nothing of me. For the future let me

act the part of a critical spy upon him; not that of an open, unsuspicious friend. Last Superior Court at Worcester, he dined in company with Mr. Gridley, Mr. Trowbridge and several others, at Mr. Putnam's; and although a modest, attentive behavior would have best become him in such a company, yet he tried to engross the whole conversation to himself. He did the same in the evening, when all the judges of the Superior Court were present; and he did the same last Thanksgiving Day at Colonel Quincy's, when Mr. Wibird, Mr. Cranch, etc., were present. That evening, at Putnam's, he called me a numskull and a blunderbuss before all the superior judges. . . . He is an impudent, ill-bred, conceited fellow; yet he has wit, sense, and learning, and a great deal of humor; and has virtue and piety, except his fretful, peevish, childish complaints against the disposition of things.

Referring to their appointments as judges of the Supreme Court, Adams says:

Phil. 9 June 1776.

Paine has acted in his own character, although I think not consistent with the public character which he has been made to wear. However, I confess I am not much mortified with this, for the bench will not be the less respectable for having less wit, humor, drollery, or fun upon it; very different qualities are necessary for that department.

AT FIRST THE INFANT

Chapter I

The Old Colony Background

Won it by the axe and harrow,
  Held it by the axe and sword,
Bred a race with brawn and marrow,
  From no alien over-lord.
Gained the right to guide and govern,
  Then with labor strong and free
Forged the land, a shield of Empire
  Silver Sea to Silver Sea.

D. S. Scott.

THE stalwart Pilgrim fathers, wading through the curling surf from their shallop (a "bow-shoote" distance) to the welcome sands at the point of Cape Cod, and bearing in their arms the loyal Pilgrim mothers, coming ashore to do their belated washing, make a homely and amusing, but very significant, picture of the landing of our Mayflower ancestors. The presence of those women betokens that the sea-worn home-seekers had come to stay — to breed a new race which should perpetuate their vital principles as an abiding influence in the land. The genesis of this new provincial type, now known throughout the world as the "Down East Yankee," was in this Old Colony, and on Cape Cod — a "Clam Yankee," the Dixie folks call him.

Those descendants of Norman and Saxon brought sturdy bodies, evolved by long warfare against other races, and a moral fibre nerved by religious conviction and stiffened by persecution. Their most conspicuous quality was courage — not so much courage to *come* (for in time of persecution, the line of least resistance is to migrate), but courage to *stay* in this new country, to put the plough into this stubborn soil and not turn back with their returning ship. It is this "staying quality" which compels our reverence.

Hunger brought them hither — soul-hunger for the worship of God according to their light. With heroic strength of mind they held tenaciously to their Nicene Creed, and rebelled against formalism and ecclesiastical pomp; tolerated no intermediary between themselves and their Maker; recognized two sources of power — God and the Devil; thought it difficult to tally a happy life with a virtuous one; guided their lives by the King James Version (loath to question its teachings); and considered piety the chief end of man.[1] They felt they had crossed the ocean in fulfilment of some divine revelation of human progress. The beckoning finger of Cape Cod was a providential guide to this location.

[1] John D. Long has pointed out that they were not all "saints"; the varied elements of human nature cropped out in the first shipload.

Peculiar characteristics differentiate this Old Colony Yankee from the rest of mankind. The natural features of a country are said to mould its inhabitants. In this Old Colony there are no mountains, great rivers, waterfalls, or prairies. The four indigenous factors influencing them were: the surrounding sea, the fickle climate, the stingy soil, and the gloomy wilderness concealing treacherous neighbors.

The sea invites exploration, demands a wide horizon, inspires expectancy and curiosity. The capricious climate is a test of physical quality, with its range of weather from arctic to tropic on short notice, and compels the Yankee in self-protection to become a close observer of nature, and may explain his remarkable propensity for guessing. To fortify his constitution against these mercurial changes, he discovered that hard cider and Jamaica rum were agreeable accessories, driving out fever in summer and warming his stomach in winter; and incidentally of value in bargaining with red men or in prolonging the pastoral call. The Yankee was not always a good match for John Barleycorn. He was sometimes trundled home in a wheelbarrow from the muster; after an installation festival, ministers were known to be gently tucked in bed by kind-hearted parishioners; gin-sling, toddy, flip, and punch gave Saturday a Donnybrook finish; in Taunton, the store-town

of the Old Colony, was a shed on Jockey Lane known as the "Morgue," where maudlin victims snored off their week-end sprees.[1]

Damp weather produced pulmonary complaints. The demise of the New England winter was accompanied by a train of ailments. Wells stagnant in summer bred autumn fevers, which carried off the little ones. Salt meats and heavy foods produced lank, dyspeptic bodies. "Tell me what you eat, and I'll tell you what you are," says a Frenchman. Diet determines mental and moral capacity. Vegetarianism was an unknown virtue. Pies of mince-meat, pumpkin, apple, chicken, clam, and rhubarb were a mainstay, interlarded with "Injun" pudding, doughnuts, sausages, hogs-head cheese, "b'iled dinner," cod-fish-balls, johnny-cakes, baked beans, succotash, and pandowdy.

From the soil they acquired a quality called "grit."

"Winning by inches,
Holding by clinches,
Slow to contention, but slower to quit;
Now and then failing,
Never once quailing,
Let us thank God for our Saxon grit."

[1] There were then, in proportion to the population, five times as many resorts in Taunton, licensed to sell liquors, as there are to-day. The public conscience did not look upon this drinking habit as an enormous sin.

Inland it was so rocky that they declared the ballast from the Ark went overboard there during the Flood; toward the shore it was so sandy, some one remarked, that the farmers might be judged insane, like the feigning Ulysses when he ploughed the seashore at Ithaca; down on the Cape the thin garment of soil was sadly "out at heels and elbows." In places the turf was sown thick with arrowheads and domestic mementoes of the vanishing Indian.

How to deal with the aborigines was a vexatious problem. The newly arrived white men found themselves between two fires; Canonicus in the Rhode Island territory was hostile to Massasoit in southern Massachusetts. The red men dwelling in this corner of the Atlantic seaboard were hardly more developed than the beavers building their dams along the rivers, the deer that migrated in families through the forests, or the colonies of crows holding caucus in the treetops. The Indian had made little advancement beyond the making of a bark canoe to cross the ponds; pointing his arrows with flint and eagle claws; baking clams in seaweed; fertilizing corn with fish; and curing skins of moose or wild cat to provide clothing and shelter. Along comes the white man, who proceeds to subjugate the four elements of air, earth, fire, and water, as vassals to do his work. He cuts down the primeval timber and fashions comfortable

dwelling-houses (often with gambrel roof, in memory of the Pilgrims' sojourn in Holland); he harnesses the rivers to make nails, boards, and cider; he taxes the wind to turn sails for grinding corn into meal; he digs and smelts bog-ore into rude implements. With patient labor he converts the forests into pastures, the pastures into cattle, the cattle into beef, the beef into brawny arms to fell more forests and drive his enemies from the earth. These discoveries the red children of the forest had not dreamed of; even as those pioneers had no vision of our modern electric servants and aerial conveyances.

The red men were, for the most part, treated contemptuously by the white men as treacherous vermin. King Philip was persecuted with barbaric ferocity; the head of the Princess Weetamoe was displayed on a spontoon in Taunton to terrify Indian captives; Annawan, after his capture by the daring Captain Church, was taken to Plymouth and executed, in spite of Church's promise that his life should be spared if he surrendered without resistance. Yet there was some show of justice. Governor Bradford proudly recorded that every foot of the Old Colony had been paid for, though the Indians often sold their lands for a mess of pottage. Several white men were once hanged for the murder of an Indian, but we imag-

ine these white men were "undesirable citizens" of the tiny republic. There was an attempt to Christianize the savages. Coadjutors with Eliot — Bourne and Treat, of the Cape, Mayhew, of Martha's Vineyard, and Danforth, of Taunton — were measurably successful, leading a large number of converts into semi-civilization, teaching them to get a poor living by farming and whaling — the latter a not uncongenial sport. But praying Indians were a decadent race, and at Mashpee, Eastham, and Assawampsett aroused almost as much suspicion as their unregenerate brothers. Having little regard for property rights, they walked into town and took what they needed without apology. Many became slaves; one, named "Quock," was long in the family of Ephraim Leonard. Miscegenation with the imported blacks produced a less savage but no less fierce-looking type of man. The Indians were more capable of adopting the white man's vices than his virtues. "Fire-water," first offered them on their meeting with Governor Carver, was much to their liking and contributed toward accelerating King Philip's War a few years later. Algonquins circled in the rear of the seaside settlements "like the scythe of death ready to mow them down at any moment." Scalping-knife and tomahawk brought dread alarm to young and old. Often the valiant housewife sat in the crotch of a tree with loaded flintlock

to protect her husband's scalp as he hoed the growing corn.[1]

Sixty years of contention with the Indian-haunted wilderness made the Yankee wary, alert, rugged, strong, and skeptical. Tramping the woods and hills, laying stone walls criss-cross over the fields, hewing timbers, and swinging the flail, lengthened his arms and legs and evolved the prototype of Uncle Sam. He became horny-handed; and close-fisted as well, carefully storing away in the chimney whatever "pieces of eight" came to him in days when trade was mostly by barter. He held little reverence for the "slothful servant"; indeed, a canny pursuit of the "root of all evil" came to be his leading trait in the eyes of the British nation.

On this tall, sun-browned, strong-jawed yeoman, whittling with his jack-knife notions of all sorts; salt-witted, self-contained, standing on his rights, content if not molested, — put a coonskin cap, galligaskins, cowhide boots, a quid of pig-tail in his cheek, and a picturesque buckskin coat con-

[1] These Algonquins first used the word "Yankee." Having no "l" in their language, they could come no nearer to pronouncing the word "English" than "Yengeesh," which became corrupted into "Yankee." A towering, gigantic, iron statue of King Philip, with uplifted tomahawk and full savage regalia, should be erected on the summit of Mount Hope as a memorial tribute of the Yankee to the former tenants of this land, and an object lesson in history.

cealing the patch on his trousers, and you have a characteristic type of the *dramatis personæ* of our stage when "Farmer George" became king. Up before sunrise, he toadied to no man; felt himself equal to princes; was acquisitive of property (often "land-poor"); he sat patiently through Fast Day sermons, and after candlelight played checkers and "Old Sledge" on a hogshead at the "store." All the King's horses and all the King's men could not drive him. He was filled with bitter resentment at foreign oppression. Holy water and papal bulls were special objects of his hatred. The Pope and the Devil were religiously burned on Guy Fawkes's Day.[1] His nasal twang and drawl were aggravated by humming Watts's hymns.

These Old Colony farmers, foresters, and fishermen came together at town meetings, church gatherings, barn-raisings, auctions, turkey suppers, clambakes, and spelling-bees. They bred sheep, goats, swine, cattle; planted flax, wheat, turnips, corn, beans, and pumpkins; tanned skins for boots; spun wool for their shirts; trimmed furs into caps, coats, and mittens; and became a self-reliant community. Ingenuity, thrift, and energy marked them. The sick, the insane, the

[1] Thomas Coram, of England, thought that the citizens of Taunton might never become enough civilized to appreciate an Episcopal church.

deformed, the feeble-minded, and the decrepit were not segregated, but were a charge to the family, where their appearance may have dulled the edge of sympathy. It was a day of family government, family amusement, family religion.

Thomas Paine, in 1776, observed that a good portion of the first-imported virtue was inherited by the Revolutionary patriots. The standard of morality and high ideals was maintained among a learned ministry, to the third and fourth generations, who knew not the Holland life or the graves of their English forbears. Constant reading of King James's Bible had developed the "New England conscience" always ready to fly "to the cause which needs assistance" or at "the wrong which needs resistance." These ministers, college-trained, self-searching, faithful servants of the Lord, compelled attendance on their lengthy sermons; and were careful to shape public opinion and to see that every child was taught to read, revere, and understand the Bible. But the common *alma mater* was the great University of the Back Woods. In their wild environment, the lack of higher education tended to produce a different race. Culture gave way to practical knowledge.

The Pilgrims have been called the cream of the Puritans. Although the Mayflower company came from northern England, succeeding immigration

was largely from southwestern England. Often a shipload of immigrants would become the nucleus of a town named after their pastor's home. So we find Barnstable, Bristol, Dartmouth, Falmouth, Norton, Plympton, Taunton, Tiverton, Truro, Somerset, Swansea, Wareham, Yarmouth were names well loved by those old-country folk. The Pilgrim beliefs and customs predominated. Many were descendants of the Leyden church membership. Every town had its Congregational minister to support. Men ostracized through religious controversy had sought shelter in the Plymouth Colony, each ready to defend his creed. Those who sought to quibble on theology could be "accommodated" in discussing the Halfway Covenant, the fate of infants unbaptized, the Inner Light, Vicarious Atonement, Foreordination, the use of the fiddle in church music, and whether the communion bread could be digested in the material body. Baptists settled at Rehoboth, Swansea, and Bristol; Quakers increased at Dartmouth.

Heresy of the Old World became orthodoxy in the New. Calvinism was the backbone of the religious thought. Protracted fasts and vigils produced visions and weird revelations; but the "Witchcraft Delusion" never carried the natives completely off their mental centre. During the periodical "revivals," the excitement rose to the pitch of throwing off coats, screaming in ecstatic

prayer, and committing other strange antics in the name of a calm and gentle Christ; but mental equilibrium was restored before such inhuman excesses were committed as at Boston and Salem. Godly and ungodly mingled together. "Home missionaries" were kept alive and active, by unregenerates who went fishing Sunday, cheated in "hoss" trades, chewed tobacco, swore on small provocation, smuggled, played cards for shillings, and too often came under the Circean spell of new rum and hard cider.

The third and fourth generations, risen from the soil, were a robust, toddy-drinking race, of animal nature, ever ready for a fight, whether with the red man or in a foolhardy expedition to capture the citadel at Louisburg, where, the story goes, they chased the flying cannon balls of the enemy to fire them back again before they became cold. The "unregenerates" had been taught by the *genius loci* to take their fun in boisterous horseplay. Saturday afternoons, the rustic ploughjogger from Bearhole, Slab Ridge, Tearall, Hockamock, Rocky Woods, Great Meadow Hill, Happy Hollow, or Squawbetty, hitched up "Old Dobbin" and drove "daoun to Ta'nt'n" with his brown jug under the seat. If it was summer, he stuck antlers of indigo weed above his horse's ears to keep off hungry flies, and the "yaller dog" trotted under the wagon on which poultry may have found

a lodging for the night. If it was winter, he rode in a pung, with moth-eaten wolf robe flying tails over its back, and the dog curled about his master's kip boots. During the afternoon he swapped "hosses," had a trotting-match, cock-fight, dog-fight, or raffle; and tumbled about the Green in bacchanalian single combat in settlement of old scores; then rode home singing convivial songs, and flinging melon-rinds, lobster-claws, or oyster-shells along the way.

At Bristol, the prosperous seaport town, slaves, brought from Africa and Guinea, were sold by slave-traders coming down from Boston. A brisk trade with the Carolinas, New York, and the West Indies was carried on by Taunton, Somerset, Bristol, Dartmouth, and Yarmouth. The building of vessels was a main source of wealth; sloops of thirty tons made their way up the rivers and inlets, with cargoes of wheat from the Hudson, rice and potatoes from the Carolinas, and sugar and molasses from the West Indies. When the fierce "northeasters" rocked the houses and lashed the surf along the shore, prayers went up at many firesides for the absent sailor-boy at sea. Iron was forged from bog-ore; bricks were made from clay-pits; furs were a source of revenue to every farmer's boy, who sent the polecat's skin across the sea, to be worn in France as ermine. Bears and wolves ranged the swamps, and the forests were tenanted

by otter, mink, wild cats, and raccoons, as well as rabbits, chucks, and chipmucks. As late as 1790 wolves were flooded out of a Raynham swamp by a ditch from Taunton River. Wellfleet and New Bedford were catching whales, though whale fishing was not at its best until the early nineteenth century. The wealth of the seas was always a large part of the income of Old Colony settlers. Codfish and mackerel were important exports; "codfish aristocracy" came to be a term of reproach.

Taunton was settled from Somerset and Devonshire Counties of England. Some Welsh from Swansea had given the old name to their new home. Kidnapped Acadians were heartlessly set down near Lakeville and elsewhere by Colonel Winslow. In Bridgewater were ironworkers among whom the Leonards were foremost. They were an everyday lot of people, with big families, plain wooden houses, well-filled barns, and many stone walls, which testify to generations of lumbago. Few had means to live without constant toil. There was a little aristocracy — the Winslows at Plymouth, the Edsons at Bridgewater, the Leonards at Taunton. Troy — now the busy city of Fall River — was but a scattered hamlet. Money was the rarest commodity among the earlier colonists; they had not enough to pay five hundred pounds for their royal charter. Once their credit was saved

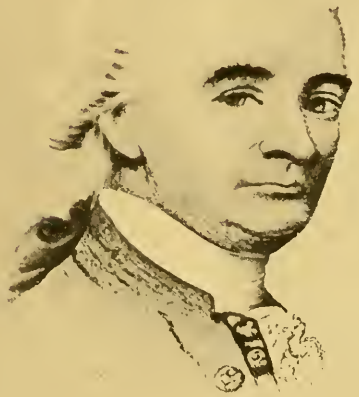
by the accidental meeting of some Englishmen wrecked on the coast, who brought a little ready cash. The Boston Puritans, increased in wealth by the continual arrival of immigrants, grew haughty and intolerant to the extent of hanging witches and Quakers; whereas the Plymouth Pilgrims, in the humility which comes from poverty, welcomed Roger Williams, exiled from Salem and Boston, and bore with Quaker peculiarities. We may remember, however, to its credit, that while the Province of Massachusetts was under British law, capital offences were fewer than in England, and were not so harshly punished. At Boston, men believed in freedom; but to think and do as the Bostonians did — that was freedom. In Plymouth Colony, they were so poor that if one behaved "tolable well," he could enjoy full liberty.

Through these years the Yankee had been working out his salvation with native shrewdness. Opinions were hardening in his head on the question of civil freedom and human rights. Ever looking for a new idea, he sat whittling in the barn door, chewing tobacco and pondering right and wrong, until he concluded that the town ought not to be taxed to pay the minister, that Church and State were separate institutions, and that there should be no taxation without representation in Parliament.

Both Paine and Leonard descended from these

stout-hearted Anglo-Saxon pioneers, who, cut off from Old-World influence, started anew upon their interpretation of the Scriptures and human experience, retaining the kernel but discarding the husk of English government, along with what seemed to them the accumulated wrongs and fallacies of Lords and Bishops. Preserving a sacred reverence for their old homes, they studied to make this new government simple, direct, substantial, founded on duty, and reliance upon God. The corner stone was the Bible. The town meeting was developed and perfected, — a democracy where rich and poor could meet together in equality. After a century and a half of brave labor in pursuit of such ideals, they had almost forgotten England, and felt qualified to set up for themselves. "Freedom to worship God" was the watch-cry in 1620 at Plymouth; "Liberty and Union" the motto on the flag at Taunton in 1775.

Thomas Paine, great-grandfather of Robert Treat Paine, had been a fisherman on Cape Cod, and Thomas Leonard, great-grandfather of Daniel Leonard, had dug valuable ore from the bosom of the Old Colony. After the colony was divided into counties, the two men sat together as Deputies at Plymouth in 1689. Thomas Leonard was appointed a justice to hold the Court of Common Pleas in Bristol County, and James Paine, son of



Daniel Leonard

Thomas and grandfather of our Robert, became a justice in Barnstable County.

Francis Baylies, in his scholarly memoirs, says of the Plymouth Colony citizens:

> . . . That curse of all small and independent communities, political ambition, found no place amongst them. The higher offices were not sought, but the services of such as were fit to sustain them were demanded, as the right of the people, and they were accepted, not for the sake of distinction, emolument, or pleasure, but from the sense of duty. Fearful of the loss of reputation, men underwent the severe and painful duties which such offices required. Where there was no strife for position, no temptation in the shape of emolument, and no passion for official distinction, small was the danger of feuds and factions.

Then, if we find Thomas, George, and Ephraim Leonard, Thomas and James Paine holding high office, we may know they were men "fit to sustain them."

Democratic Plymouth was much aggrieved to be amalgamated in 1692 with the aristocratic Massachusetts Bay Colony. This conjunction destroyed the political consequence of Plymouth, and the claims of the elder but humbler colony were little regarded. At that time the population of the Old Colony was 13,000, including reds, whites, and blacks; by 1775, the whites had in-

creased to 26,656, and there were about 600 each of blacks and reds.

At the outbreak of the Revolution, the Old Colony was politically divided. The eastern county, Plymouth, had many sympathizers with England, as had also Martha's Vineyard and Nantucket, while Bristol County was largely Whig. Two eminent leaders of these factions were our heroes, Leonard and Paine, who played their parts in Taunton because of a blunder made by Charles II. The patent of 1629, from the Plymouth Council of London to the Plymouth Colony, granted jurisdiction over the land from Cape Cod to Narragansett River as the western boundary. The charter of 1663, to Rhode Island, from Charles II, granted title to the land three miles to the eastward of Narragansett River. Thus there was a strip of land, three miles wide, lying east of this river, which had been granted to two colonies. People from Rhode Island, mostly Baptists, had settled this strip, but were under Plymouth rule and sent delegates to the Plymouth General Court. They recognized the sovereignty of Plymouth, but the royal confirmation of the title to the land (granted by the Plymouth Council of London to the Pilgrims) was given to Rhode Island. When Massachusetts effected the coalition with Plymouth, Rhode Island pressed her claim to the disputed land, but was unsuccessful at that time.

In 1685, Plymouth Colony had been divided, like Gaul, into three parts, — one named Bristol County after a prosperous seaport town in the disputed territory. At this Bristol, the courts were held, and thither went Ephraim Leonard, James Paine, and other "common-sense lawyers" to adjust local differences. The natives there considered themselves a part of Massachusetts, but Rhode Island (at her best pinched for territory) was jealous, and a dispute began about this strip of land. The two colonies could not agree, and at length, in 1741, George II appointed a commission of three — one member from the Province of Nova Scotia, one from New York, and one from New Jersey — to settle this boundary question. Massachusetts had been a wayward child to the mother government; her case was prejudiced, and the commissioners recognized Rhode Island's claim as valid.

In 1746, Rhode Island claimed all Fall River and Assonet as far as Somerset; her claim was granted in part. A line about three miles east of Narragansett Bay was made the boundary. Massachusetts, in her indignation, refused to pay her half of the surveying costs, which caused further litigation. This territory ceded to Rhode Island included Tiverton, Westport, and the shire town of Bristol; hence the remaining Bristol County in Massachusetts contained neither the

town of Bristol nor a court-house. Taunton, an inland town, had grown to be much larger than Bristol; was thriving, and central in the dismembered county; and consequently became the location of a new court-house in 1747. Samuel White, the leading lawyer in Taunton, was appointed King's Attorney, rather than Ephraim or George Leonard, who were old residents of Norton. When this transfer was legally made, the inhabitants of Bristol were loath to part with the records, and tradition says they were secured for Taunton by strategy of George Leonard and other lawyers.

After Taunton became the shire town, many justices gathered there in the days when law was growing in importance as an attractive calling for energetic, clear-headed, ambitious young men. Thus Paine and Leonard were naturally drawn to the court-house, and no one can fully grasp the story of the Old Colony who is not familiar with the career of these two men who focussed much history in their lives, in those stirring times when questions of the Prerogative of the Crown versus local rights were finally decided.

Chapter II

A Brahmin Pedigree

His tribe were God Almighty's gentlemen.
DRYDEN

SAFE behind the "clenched fist of Massachusetts," the Pilgrim fathers boldly drafted the "Mayflower Compact" in rebuke of the despotism of Church and State, now left beyond the seas. This Compact and the Declaration of Independence are two preëminent documents which have inspired the American people to deeds of courage, freedom, and glory. Among the signatures to the covenant drafted by the liberty-seeking immigrants in Provincetown Harbor is that of Stephen Hopkins. After the Pilgrims had founded Plymouth, this Hopkins went with Edward Winslow on an exploring expedition — the first white persons to leave a description of the Indian resort known as Cohannet, which lies in the shoulder blade of the defiant Cape. Cohannet, a few years later, received from English settlers the name of Taunton. Our Paine, living in Taunton and descended from Stephen Hopkins, was the sole resident of Plymouth Colony among the signers of the Declaration.[1]

[1] From the adjoining plantation of Rhode Island came another signer with tremulous autograph directly descended from the same Stephen Hopkins.

As the Epic of the Leonard family is strongly colored with iron, so through the Epic of the Paine family runs a distinct theological thread. To use the phrase of Holmes,[1] Robert was of "Brahmin ancestry." By easy genealogical leaps, we come down his line from one clergyman to another. His father, Thomas, was minister at Weymouth; his grandmother on his mother's side had married two ministers, Mr. Esterbrook first, and later, Rev. Samuel Treat. Paine's maternal great-grandfather, Rev. Samuel Willard, was pastor of the Old South Church in Boston; and was acting president of Harvard College from 1701 to 1707; his paternal great-great-grandfather was Rev. Anthony Thatcher. Besides being a scion of the clergy, his pedigree discloses an added strain of blue blood in the names of Robert Treat, Governor of Connecticut, and Major Willard, another famous Indian fighter.

The pioneer, Thomas Paine, came to America in 1622, bringing a son, Thomas, then ten years old, who had lost an eye at archery practice in England. This Thomas, Junior, lived on Cape Cod until his ninety-fourth year, preserving his remaining eye intact from Indian arrows through King Philip's War. He married Mary, daughter of Nicholas Snow, whose wife was daughter of Stephen Hopkins. The elder immigrant, Thomas,

[1] *Elsie Venner.*

settled at Yarmouth, but his one-eyed son moved to Eastham, and was parent of seven sons, from one of whom, John, was descended the wandering playwright, John Howard Payne, who touched all hearts with his tender song: "Be it ever so humble, there's no place like home."[1]

James, the sixth son of Thomas Paine, went up to Barnstable, was appointed justice, accumulated property and lands, married Bethiah Thatcher, and erected a substantial farmhouse, carefully tarring the mortise-holes against decay. This ancestral resort was the boyhood delight of our Robert, who sailed, an unhappy voyager, across the bay from Boston each summer to visit his Aunt Mary Freeman, who had inherited the estate. Bethiah was the fourth child of Colonel John Thatcher, and granddaughter of Rev. Anthony Thatcher, who holds a place in history because of his frightful shipwreck on an island dotting the point of Cape Ann, and known to this day as "Thatcher's Woe."[2]

[1] This song-writer thought the name looked more "select" spelled with a "y," an opinion embraced by others of the family. Among the numerous spellings of the Signer's name, on bills contracted at the Continental Congress, is one sent to "Mr. Traitpain," which intimates that he was hailed by his familiar cronies as "Treat."

[2] The spar of land was granted to him by the colony on account of his "providential rescue." He had set sail with his family from Cape Cod for Cape Ann in 1635, when a storm drove the ship on the rocks. He and his wife reached shore, but

John Thatcher, father of Bethiah, was married in 1661 to Rebecca Winslow, and while on the way to Falmouth with his bride, he stopped for the night at the house of Colonel Gorham at Barnstable. During the merry conversation with the newly-married couple (so the story goes), a baby girl, a few days old, was introduced, and the night of her birth mentioned to Mr. Thatcher, who observed that it was on the very night he was married. Taking the infant in his arms, he presented her to his bride, saying: "Here, my dear, is a little lady born on the same night we were married; I wish you would kiss her, for I intend to have her for my second wife." "I will, my dear, but I hope it will be long before your intention is fulfilled." Then, taking the babe, the bride kissed it heartily and returned it to the nurse's hands. The jesting prediction was eventually verified. Mr. Thatcher's wife died, and the child, arrived at the age of twenty-three, actually became his second wife.

For a century, this family knew the perils and privations of Cape Cod life. The descendants of Thomas Paine intermarried also with the Doane, Freeman, Sparrow, Hopkins, and Winslow families, good, sturdy folk, long identified with the

their children were drowned before their eyes. Later children came and their granddaughter was grandmother to Robert, the Signer.

Cape, the fish-hook shape of which symbolized the profession of many of its residents. The greatest of all hunting sports—whale-chasing — supplied, sooner or later, some exciting adventure to almost every native of Cape Cod. Concerning James Paine, his son Thomas wrote of a whaling expedition off Cape Cod as follows:

November, 1717. My father, being in a whale bote, was struck immediately by a whale on the neck and head, and the bote being stove, he was about drowned before any one could find him, but we afterward carried him home and he is wonderfully recovered.

For years Cape Cod was the mother of sea-captains. Skippers from Harwich, Truro, Dennis, and Barnstable were spinning yarns and "splicing the main brace" in every port of the globe. On the decks of many a fleet schooner was a keen-eyed pilot from those sandy shores. These captains followed the sea through the summer, setting lobster pots and "smelling" for blue-fish, and went courting in the snug winter. The women, with eyes narrowed and dim from long search of the offing, set up flapping coats and sails on posts and waved red handkerchiefs, as signals to their jackies passing by offshore.

Thomas, son of James, was born at Barnstable in 1694. There he lived until he went up to Harvard College for the class of 1717, destined, like

most of his classmates, to the ministry. Upon his appearance at Harvard, he was a thoroughbred Cape Cod Yankee, salt and sandy. Followers of the sea study the moon, stars, tides, and weather-breeding signs. So we are not surprised to find this studious Thomas printing almanacs "of celestial motions, aspects, eclipses, etc.," for the years 1718 and 1719, which were a joy to the embryo "Poor Richard," then a young, inquisitive boy in his brother's printing-shop at Boston.[1]

Thomas Paine studied with Rev. Nathaniel Shaw, of Harwich, attended the Thursday Lectures in Boston for a couple of years, preached itinerantly, and was shortly ordained as minister at Weymouth at ninety pounds a year, with a parsonage and forty acres of land as perquisite. In 1721, he married the delicately beautiful daughter of Rev. Samuel Treat, of Eastham, then living with her widowed mother in Boston. She was just "sweet sixteen" when a mounted troop escorted the bridal party out to the parsonage at Weymouth, where Rev. Peter Thatcher performed the wedding ceremony. They lived a few years in the parsonage at Weymouth, but the wife and mother

[1] One announces the times for holding the courts, the spring tides and prophetic aspects of the weather; foretells four invisible eclipses; but makes no prediction of the great earthquake of 1725. On the back page is a statement of reasons why the light of the moon is so weak that it cannot, even by a burning-glass, be brought to afford the least degree of heat.

was semi-invalid, and the place did not prove salubrious. She returned to Boston, where she died October 17, 1747. Her husband continued to preach awhile in Weymouth, until his inherited property led him into trade. He had come into a good estate, some £7000, by the death of father, brother-in-law, and wife. General merchandise became his business. He bought and sold all sorts of commodities, especially West India goods, then an eminently respectable calling. After his daughter Abigail married Joseph Greenleaf, Father Paine's vessels took rope, staves, salt-fish, brick, and meal to Havana, returning with cargoes of molasses and sugar to be converted into rum by the new son-in-law in his distillery. Thomas Paine was a heavy loser in the Land Bank of 1740, suppressed by the British Government. During the French War of 1745, some of his vessels were captured by pirates. In 1749, when his fortunes were in a precarious condition, he deeded his slave "Cato" (for slavery did not shock the moral sense even of ministers) to his daughter Abigail, and his books, silver plate, and household furniture to his three children. Afterward he established an agency in Halifax. But his health broke down and he went on a long sea-voyage. When his business affairs became involved in litigation, he concluded to become a lawyer, advising his son to do likewise, that they might keep out of

the courts and protect their remaining property. Their legal preceptor was Benjamin Pratt, of Boston, later Chief Justice of New York. Father and son, sharpening their talons on each other, pored over the English law-books and held mock arguments on winter evenings. Improvident as a merchant, in 1756 Thomas Paine's estate was finally compounded. After the breaking-up of his home upon the death of wife and mother-in-law, the marriage of Abigail, and the departure of his son, Robert, to teach at Lunenburg, he dwelt alternately in Halifax and with his married daughter at Germantown, in Quincy, where he died in 1757.

On the maternal side, Paine, the Signer, came of a high-born family. His great-grandfather, Robert Treat, was Governor of Connecticut. His epitaph, copied by his namesake into a daybook, reads:

Palmam qui meruit ferat.

Here lieth the body of Robert Treat, Esq., who faithfully served this colony in the post of governor and deputy governor for near the space of thirty years, and at the age of fourscore and eight exchanged this life for a better. July 12 anno Domino 1710.

Major Robert Treat had marched up to Northfield in 1676, and found his former comrades massacred by Indians and their heads gruesomely

PURITAN GOVERNOR OF CONNECTICUT

mounted upon poles along his advance. A spicy story of his courtship is preserved. When the major went visiting his friend, Squire Tapp, of Millis, he found the apple of his eye in the rosy-cheeked daughter, Jane, and presently was trotting her upon his knee. Jane coyly observed, "I'd rather be *treated* than *trotted*." A hearty laugh spread through the family circle; and so they were married and lived happy ever after, — at least if children could make them so, for twenty-one, all told, were born to them. The first of the twenty-one was Rev. Samuel Treat, who became one of the stalwart men of Cape Cod. Soon after graduating from Harvard in 1669, he settled as minister of the church at Eastham, of which Thomas Prince, the Governor, was the leading spirit. In 1662, the town agreed that part of every whale cast ashore should be appropriated for the ministry, "thus leaving," as Thoreau remarked, "the support of the ministers to Providence, whose servants they are, and who alone rules the storms, for when few whales were cast up, they might suspect that their worship was not acceptable." The Rev. Mr. Treat must have sat upon the cliffs and watched the strand with some anxiety.[1]

[1] Thoreau also says of Treat: "He was not one of those who, by giving up or explaining away, becomes like a porcupine disarmed of his quills; but a consistent Calvinist, who can dart out his quills at a distance and courageously defend himself."

A contemporary writer says that "his voice could be heard roaring above the sobs of hysterical women, and the howling winds, stirring up an awakening and alarm." Hysteric fits were very common on Sunday in the time of divine service. When one woman was so affected, others generally sympathized with her, and the congregation was thrown into violent confusion. We may gather something of Treat's spiritual comfort in the following selection from his sermons:

Text: Luke xvi, 23: Thou must go ere long to the bottomless pit. Hell hath enlarged himself and is ready to receive thee. There is room enough for thy entertainment. Consider thou art going to a place prepared by God on purpose to exalt his justice in a place made for no other purpose than torments. Hell is God's house of correction, and remember that God doeth all things like himself. When God would show his justice, and the might of his wrath, he makes a hell in which it shall indeed appear to purpose. Woe to thy soul, when thou shalt be set up as a butt for the arrows of the Almighty.

Sinner, I beseech thee realize the truth of these things. Do not go about to dream that this is derogatory to God's mercy and nothing but a vain fable to scare children out of their wits withal. God can be merciful, though he makes thee miserable. He shall have monuments enough of that precious attribute, shining like stars in that place of glory, and singing

eternal hallelujahs to the praise of Him that redeemed them; though to exalt the power of his justice, he damns sinners heaps upon heaps.

Consider, God himself shall be the principal agent in thy misery, his breath is the bellows that blows up the flames of hell forever; and if he punish thee, if he meet thee in his fury, he will not meet thee as a man, he will give thee an omnipotent blow.

Some think sinning ends with this life; but it is a mistake. The creature is held under an everlasting law; the damned increase in sin and hell. Possibly the mention of this may please thee, but remember that there shall be no pleasant sins there, no eating, singing, dancing, drinking, wanton dalliance, and drinking stolen waters; but damned sins, bitter hellish sins, sins exasperated by torments, cursing God, spite, rage and blasphemy, the guilt of all thy sins shall be laid upon thy soul and be made so many heaps of fuel.

Samuel Treat had settled at Eastham in 1672, and was soon converting Indians as well as whites. In this he was assisted by the General Court which passed a law, in 1685, to inflict corporal punishment on all persons who denied the Scriptures. He translated his confession of faith into the Nauset language. There were two thousand Indians in his pastoral charge, whom he visited in their huts, readily conversing with them in the native tongue. He died during the great snow-fall of

February, 1717.[1] Treat's burial was a mortuary tableau. The deep snow had swirled around the parsonage, towering in lofty drifts. An archway in the snow was dug on the road between the house and the burial-ground; through this, Indians, who had loved him in life, bore him to his last resting-place in the God's Acre on the hillside, within sound of the eternal requiem of the sea.[2]

The wife of Samuel Treat was Eunice, daughter of Rev. Samuel Willard. The Willards had settled in the neighborhood of Concord, Lancaster, and Groton. Major Simon Willard, son of Josiah, was, like Major Treat, a hero in the old Indian wars, In 1676, at the age of threescore and ten, he made a thirty-mile dash from Lancaster, arriving at Brookfield in time to save the town from the redskins. The son of this Indian fighter was Samuel Willard, pastor of the Old South Church. In 1701, the General Court elected him acting president of Harvard College to succeed Increase Mather, who declined to make a residence in Cambridge, preferring to stay in the thick of theological frays at Boston. Willard's successive wives had fine Bibli-

[1] At this time Richard Williams, the first white child born in Taunton, died, remaining three weeks unburied because of the overwhelming storm.

[2] In the company of those gathered at Mr. Treat's funeral was the son of a woman who had been fined ten shillings for railing at him, the minister. Nature has a way of shaming our animosities — her son later married Treat's daughter.

cal names, Abigail (wife of Nabal), and Eunice (mother of Timothy). A cut in the hand while opening oysters resulted in lockjaw of which he died in 1707.

After his marriage with the daughter of Mr. Willard, Samuel Treat was sometimes invited to preach in his father-in-law's pulpit. Samuel Willard had a graceful delivery and dramatic voice, and his sermons display strength of thought and energy of language. In consequence, he was generally admired. Mr. Treat, having preached one of his best sermons to the congregation of his father-in-law in his usual unhappy manner, excited adverse comment and a committee waited upon Mr. Willard to beg that Mr. Treat (a worthy, pious man, but a wretched preacher) might never be invited to his pulpit again. Willard quietly went to his son-in-law, and borrowed the discourse, which he delivered to his people a few weeks later. The deacons thanked Mr. Willard and requested copies for the press. "See the difference," they cried, "between yourself and your son-in-law. You have preached a sermon on the same text as Mr. Treat, but while his was contemptible, yours was excellent."

With this brief outline of his lineage, we welcome our hero himself. Two sons had come to Rev. Thomas Paine, only to die in a few days. Then one fine spring morning in 1731, he took

another newly-born child down School Street to the Old South Church, praying that this boy might be spared. As the child was dandled in his father's arms, crying for liberty at the top of his lungs, Parson Prince laid his christening hand on the infant patriot, in the same church in which, a quarter of a century before, Ben Franklin had been christened in the arms of his father, Josiah.

Chapter III

Land of the Leonards

Crowns are for the valiant — sceptres for the bold,
Thrones and powers for mighty men who dare to take and hold.
"Nay," said the Baron, kneeling in his hall,
"But Iron — cold iron — is master of them all."

KIPLING.

A SMALL iron pot, capable of containing about one quart" was the initial output of the iron industry in America. This humble ancestor of the American Steel Trust was cast at a foundry on Saugus River, near Lynn, before 1650, and is still in existence, heavy enough to make three in the hands of a modern founder. The power behind the pot was no less a personage than John Winthrop, Jr., who furnished the "influence" which started the forge at "Hammersmith," as they named the location near Saugus Centre, where mounds of slag and scoria may still be seen. There had been a discovery of iron, in 1585, on Roanoke Island, and the Jamestown settlers sent over to England, in 1608, enough "iron oare" to make seventeen tons of metal, worth four pounds per ton. Soon expert workmen were brought from England, to establish a "bloomery," but an Indian massacre terminated the enterprise.

In a Lynn account-book of 1651 is this entry:

James Leonnarde, 15 days worke about finnerey chimneye and other worke in ye forge, 1:13:0. To ditto Leonnarde for dressing his bellows 3 times, 1:10:0.

This James Leonard is the real father of our American iron industry, since he persevered in that calling, and his foundries were perpetuated for centuries. He did not remain long at Saugus. Adam Hawkes, from whose bog the ore was extracted, was litigious. His suits for flowage of his lands put an end to the Lynn undertaking. James and Henry Leonard then went to Braintree, still in the service of Winthrop.[1] These two brothers had left Pontypool, Wales, for America, in the middle of the seventeenth century, bringing with them a boy, Thomas, son of James, and leaving their ironworks at home plastered with mortgages. Seeking new opportunity in a new country, they brought a knowledge of English farming and of the Bible, as well as of ironmaking. From Braintree they explored the Old Colony, where they found the inhabitants extracting a scanty living from the niggardly soil. With their spades, tongs, and hammers they went up and down the streams testing the water for chalybeate signs, while little Thomas cut a birch sapling and dropped a line for trout. Far-seeing men were

[1] Henry later removed to New Jersey.

An ELEGY in Memory of the Worſhipful

Major Thomas Leonard Eſq.

Of *Taunton* in *New-England*; Who departed this Life on the 24th. Day of *November, Anno Domini* 1713. In the 73d. Year of his Age.

WE do aſſemble that a Funeral
With grief and ſorrow we may ſolemnize,
Whereat 'tis proper, that to mind we call
The Greatneſs of our Loſs; the qualities
And Uſefulneſs of our deceaſed Friend,
Whoſe Pilgrimage on Earth is at an end.

Envy and Malice muſt be reigning Vices
In thoſe who will not bear to hear his Praiſe;
To Speak well of the Dead, true Grace adviſes;
'Tis Baſeneſs that Reproach on ſuch doth raiſe.
Such juſtly may expect Retaliation
Who do begrutch to others Commendation.

Tho' I pretend no skill in Poetry,
Yet will adventure once to Mourn in Verſe
Rather than ſuch a Worthy, dead ſhould ly
Without a due Encomium on his Herſe:
Grief will find Vent, & Fulneſs of affection
How to expreſs our ſelves will give direction.

Let's firſt remark, That GOD ſhould him incline
In's early days to try with all his might
For skill to Write & Cypher, in a time
When other *Youths* ſuch *Learning* did but ſlight;
Yet he redeem'd his Time moſt carefully
And made in's Learning, good proficiency.

GOD bleſs'd his Care & Pains, that he attain'd
With little help from others, uſeful skill
Wherein he out-ſhone others, that he gain'd
Preferment in the Town, Eſteem, good Will;
From meaner Poſts made gradual Aſcent
To Offices of Truſt, Care and Moment.

Medicine he practiſed his skill
Expending Time and Money in the Cure
Sick and Wounded, with compaſſion ſtill.
Thereby did the Love of all to him procure;
Many Conſorts, his kindneſs did abound
By helpfulneſs unto his Neighbours round.

For many Years, the chief Affairs in Town
Prudential, he manag'd carefully
With good Acceptance, unto his Renown
Perform'd his Truſt in all things faithfully;
So that the Governour did him prefer
In Military Truſts a part to bear;

And in the Civil Government he ſtood
Commiſſioned, to Puniſh Vice and Sin,
For many Years; His Care and Prudence good
And Faithfulneſs were well diſplay'd therein.
He always ſhew'd Pacifick diſpoſition,
Trying to end all jarrs by Compoſition.

He gave himſelf to GOD in's Youthful days
Profeſs'd Religion; and his Family
Were well Inſtructed, Pray'd with all always
His good Example was before their Eye.
His Pray'rs were heard, his Houſe (the Lord be Prais'd)
With hopeful numerous Offspring GOD hath raiſ'd.

GOD grant that all of his Poſterity
May imitate his Virtues, and may ſay
His GOD ſhall be our GOD, Him faithfully
We'll Serve until our Laſt and Dying day:
And never will our Father GOD forſake;
But for our GOD ſincerely will Him take.

His famous crowning work was His great Care
That Gotpel-Worſhip, Gotpel-Miniſtry
In *Norton, Dighton*, Other Places near
On good Foundations might Settled be
He joy'd in Hope, that now were laid Foundations
Of Piety for many Generations.

Metus Compoſuit;

SAMUEL DANFORTH

ELEGY OF THOMAS LEONARD, 1713

they! Beneath the surface they detected traces of iron; and quietly thought, "Let the farmers plough the meadows; we will dig into the neglected slashes and find wealth the natives dream not of."

In the records of Taunton, October 21, 1652, it appears that the town made a contract with these Leonards and a certain Ralph Russell, to "set up a Bloomery Work on the Two Mile River." A stock company was soon formed. The subscribers paid in from five to twenty pounds apiece. Among the shareholders in this earliest stock company of Taunton are listed Elizabeth Pole, who bought Taunton for a peck of beans, and her sister, Jane, as well as nearly all the leading heads of families. Other distinguished stockholders from distant towns were later added; which goes to show that iron stocks were considered sound family investments as early as the middle of the seventeenth century.

The boy Thomas, under his father's teaching, grew to be the Tubal-Cain of this locality.

" Amid the forge's clangor, and the flames
Sparkling from smitten anvils, boldly wrought
A bright-eyed boy.
His hand was hard with toil,
But his clear mind o'er field of thought roamed wide,
Gathering the fruits of knowledge. Thus he grew,
Winning the true nobility that waits
On honest labor."

Thomas Leonard established forges and smithies in various neighborhoods. It required several hundred bushels of charcoal and two weeks' time to heat the furnace hot enough to smelt the ore. When started, the furnace could not be stopped conveniently until the blast of five or six months was completed. The workmen, in leather breeches, knew no regular week days or Sundays, but spent their time alternately at the furnaces and in the cook-shed, where tables were set day and night, and the cook, with big kettle full of meat and vegetables simmering upon the fire, was constantly at hand. In 1727, an establishment for making iron pots and kettles was built in East Taunton by a joint-stock company. One of the Leonards set up a forge upon the Taunton Mill Stream. When it was finished, Captain Leonard remarked, "Now let us hope well of it; and what shall we name it?" "Why not call it Hopewell Forge?" said a bystander; — the word clung and is still a local name.

Iron was long used as a medium of exchange. The bloomery was a clearing-house when trade was not made by customary barter. Thus the Leonards became the earliest bankers, as well as hardware dealers, in the country. The minister, at first paid in provisions, later received part of his stipend in iron, as shown by the record of a Raynham town meeting, September 2, 1751:

It was put to a vote whether or no the town will make an addition to the salary of Rev. John Wales for the present year, — that is, to make in the whole £400 old tenor; one-third to be paid in good merchantable bar-iron at £9 per cwt., the other two-thirds in Indian corn at 20*s.* per bushel, rye at 30*s.*, beef at 18*d.* per lb., and pork at 2*s.* 6*d.*; which sum being reduced to lawful money is £53 8*d.*

The payment for an ox bought of Thomas Williams by Nathaniel Smith is transacted in this wise:

Nathaniel Smith, this is to desire you to pay to my mother Williams, three hundred & half a qr. of iron which is part of ye price of ye ox which you bought of me.

This is uniquely endorsed as follows:

Taunton ye 16th of October, 1693.

Capt. Leonard, I pray be pleased to pay to old mother Williams 3 hundred & half a quarter of iron.

Nathaniel Smith.

This product was so precious that when dividends of the company were paid in iron, Governor Leverett preferred to have his dividend hauled across country in ox-teams to Plymouth, that it might be more safely shipped to Boston, rather than to take the chance of rounding Cape Cod in shallops.

The Leonards became powerful by iron — Vulcans among their fellows. Wherever they found bog-ore, — in "Scadding's Moire," Stony Brook Meadows, Chartley, Middleboro, or Littleworth Brook, — the ever-increasing family dammed the streams, made their charcoal,[1] set up their bloomeries, and dug over the soil impregnated to this day with iron. When ore grew scarce in the swales and meadows, they went out in boats, and with tongs brought it up from the slimy bottoms of Winnecunnett, Nippenickett, and Assawampsett ponds. After the smelting process the pigs of iron were rolled into bars and sheets, then forged into axes, anchors, shovels, kettles, fire-dogs, ox-shoes, tires, chains, nails, hammers, and such rude farm implements as were adequate to the hand-made, rough-hewn age in which they lived. Wherever they placed their "hearths," one of the family located. So thoroughly identified were they with this industry that a household proverb arose: "Wherever you find a forge, there you will find a Leonard."

The prophet Benner claimed that the material greatness of America is founded on pig-iron and pork. Iron rails, "iron horses," iron ships, iron pipes in the ground, iron girders for building, and iron stoves, attest the far-sightedness of these pioneer Leonards. It is natural that their

[1] Anthracite coal was not in use until after the Revolution.

PROPOSED MONUMENT TO IRON PIONEERS FOR TAUNTON, MASSACHUSETTS

descendants should plan to erect a fitting memorial to them on Taunton Green amid the scenes of their early labors. Although the Leonards, as early as the Revolution, had learned to temper iron into steel, yet from bog-ore and wood-fed furnaces to Pennsylvania coal-mines and the chrome steel process, with its air-blasts and coke-fed fires, is a matter of two centuries.[1]

The Leonards were like Bismarck's men, of *Blut und Eisen*. The iron was absorbed into their blood. They were a sturdy, strong-fibred, and gristly clan. There are probably to-day more of their descendants in the Old Colony than of any other family. They and their posterity were of sound, efficient stock, well suited to bear the climate and endure all other hardships; marrying early in life, and apparently forgetting, what Hawthorne observed in a gloomy mood, "That for every birth there must be a funeral." One member of the family boasted nineteen children; but even so, falling short by two of the "bumper crop" among the Paines. Dwelling in the same spot for generations, they became rooted in the soil. Zephaniah built a castellated mansion near his forge at Raynham, in 1750. King Philip, in his wanderings up and down his little kingdom,

[1] America stands for the iron age as compared with the marble age of Greece. Centuries hence its rusty ruins may put it at a disadvantage in the poet mind.

often stopped at this forge of the Leonards (with whom he was always a true friend) to obtain iron points for his arrows; and when the white man had taken the sachem's head, it was in the cellar of this Leonard mansion that the gory relic found a transient sepulchre.

Perez Fobes, of Raynham, in 1793 noted that longevity, promotion to public office, and a firm attachment to the iron industry were the remarkable facts associated with the Leonard family. Thomas Leonard, the boy emigrant who came to America clinging to Uncle Henry's finger, grew up to be a doctor, justice, major of battalion, deacon, town clerk, and judge of the Court of Common Pleas. Had there been any other desirable positions, he would have held them, for every office was his for the asking. The energy and business tact of one man gives life and vitality to a whole neighborhood and he becomes "General Manager" by divine right. Every community will produce spontaneously a captain of industry whose mission is the regimentation of unorganized labor. Men of strong convictions and personalities unconsciously influence the thought and action of their kind. Such a positive force were the Leonards.

Upon the death of Thomas Leonard in 1713, an elaborate elegiac poem was printed by the editor of the Boston "News-Letter." The son of Thomas

was known as "Major George." His mansion, suggestive of wide-hearted hospitality, is standing at Chartley; one room is twenty-five feet square, with cupboards in the double walls between the deep-seated windows. The fireplace was so large that it is now converted into an inclosed skylighted bedroom.

Ephraim Leonard, son of Major George, was born in this house in 1706, to the life of a farmer and iron-master. He received a tract of land in that part of Norton which was set off (upon his own motion), in 1770, under the name of Mansfield. There he built a substantial dwelling, and in the summer of 1739 rode down through Attleboro and Providence to Norwich, Connecticut, to bring back, as wife, Judith Perkins, snugly seated, let us hope, on the pillion behind him.[1] Though somewhat tardy, for that day, in entering upon married life, Fate smiled with Ephraim. He was gathered to his fathers, having survived at least three wives and leaving a widow to mourn him. His tombstone, surrounded by those of his wives and slaves, may be seen to-day in a forest, hard by the old homestead. Colonel Ephraim's colonial mansion [2] was adorned with quaint fres-

[1] The marriage shuttle was flying back and forth between these two families, for we find that Jacob Perkins, of Norwich, had taken a bride, Miss Jemima Leonard, from Taunton, in 1730.

[2] This house, originally in Norton, was situated in that part set off as Mansfield, in 1770.

coes on the walls, and contained luxurious furnishings from the mother country. Its panelled front door was made from a single slab of primeval oak. Here he lived in baronial state, equal to that maintained by other distinguished American families.

Like Washington, he had a deer park; his table was spread with toothsome viands, wild geese and pigeons, venison, grape jellies, pickerel, bass and other fish from the ponds; mallards and woodcock were brought in the fall by the huntsmen; wild turkeys and deer hung in the loft to ripen through the winter frosts; strings of dried apples festooned the corn-crib; the ground cellar, permeated with the smell of cider, was stored with turnips, potatoes, and other garden products, raised by his gang of slaves; deep-sea fish, lobsters, and sea-vegetables were sent from Plymouth. Close by the mansion stood the slave-house, with its bell to call the black farm-hands to meals and prayers. On winter nights these slaves climbed to a loft under the ridge-pole, to sleep on pallets of straw around the great chimney.

The Leonards were a landed gentry, strongly attached to the Norton home. When one of them was offered a baronetcy in England, tradition says he replied that he would rather be "Lord of Acres" in America than Lord D'Acres in Eng-

land.[1] Rev. Nathaniel Leonard sent to Norton to obtain the timber for his new house in Plymouth, "so that I may put my hand on it," he explained, "and say that you and I were raised out of the same soil and breathed the same air — we are brothers."

Several years all three selectmen of the town were Leonards.[2] The social position of the family

[1] The Leonard family came of noble origin, claiming descent from Leonard D'Acres, a nobleman descended in two lines from Edward III through one of his sons, John of Gaunt, Duke of Lancaster, and Thomas Plantagenet, Duke of Gloucester. The arms of the Leonards and Leonard D'Acres are the same.

In a book of heraldry, published March 25, 1737, we find this account of a Leonard Castle.

"This beautiful Castle stands not far from ye old Caer-Pensavel-Coit of ye Britains. This place was called Saxons Hyrst from its situation among the woods.

"Soon after the arrival of ye Normans, it was ye seat of a Family who from ye Place took their name of de Hyrst or Herst.

"From ye Posterity of Walleron de Herst who assumed ye name of Monceaux (which name also from that time has been annexed to ye Place) it came by marriage to the Fiennes. Sir Roger Fiennes or Fynes obtained License from K. Henry IV. and built ye present Noble Pile. It continued in this family till with Margt, Granddaughter of Thomas Ld Dacres, it passed to Sampson Leonard, Esq., whose sister being married to Dr. Francis Hare, now Lord Bishop of Chichester, tis the property of their son and Heir, Francis Hare Naylor, Esq." (Now Hurst-Monceaux).

[2] Though the Leonards in the eighteenth century were the chief family of Norton, in the nineteenth, the Lincolns, of Norton, Raynham, and North Taunton, had become so numerous that when Abraham Lincoln, supposed to be descended from this family, was nominated for the Presidency, there was a political club composed entirely of that name.

is shown by their elaborate tombstones in the Norton cemetery, where a posthumous rank is still preserved in table-shaped tombs, rising king-like among the bowing slate headstones of their humbler neighbors. "I am a Leonard" was a badge of nobility much like "I am a Roman." A venerable daughter of the family, married to a man of less distinguished name, upon being questioned, after a serious accident, as to her identity, replied, if you please, "I am the daughter of 'old Dr. Leonard.'" The late Mrs. Peddy Bowen, a white-handed lady of quality, still remembered in pleasing anecdote, was spoken of as the "last of the Leonards." When Zephaniah Leonard died, a zealous eulogist (presumably his neighbor and friend, Benjamin Church) wrote a high-sounding epitaph of which a couplet read: —

> "Even the Leonards undistinguished fall
> And Death and hovering darknes; covereth all."

These lines were somewhat perverted by local philosophers into the phrase, "Even the Leonards must die," making a jest of their importance. The ill-chosen lines were ultimately chiselled off by Zephaniah's grandson in chagrin, after the family had dwindled in greatness.

As they accumulated wealth, they accumulated trouble. Blunders and quarrels brought down

LEONARD "HOUSE OF SEVEN GABLES," RAYNHAM

(Drawn by Olive Leonard, 1850)

upon them a horde of lawyers, — a necessary evil born of an erring race. They discovered that the only way to outwit the lawyer was for everybody to become one. Thomas Leonard had been empowered to hold court when Bristol County was set off, in 1685. This judgeship was kept in the family a hundred years. When John Adams came to Taunton on court matters, in his youth, he found on the list of justices five Leonards — George, Sr., George, Jr., Ephraim, Zephaniah, and Daniel, and began to refer to Taunton as the "land of the Leonards."

Ephraim Leonard brought his bride to the Norton home in the summer of 1739. On the 30th day of May, 1740, when the orioles were nesting in the branches, lilacs perfuming the air, and bees humming in the orchard where petals of apple blossoms fell like snowflakes, a boy was born into this home and christened "Daniel" from the mother's side of the house. He came into a family of gentlefolk that had the blood of nobles in their veins, and to a home filled with hospitality, with wealth, health, education, and honors awaiting him. The mother died that summer, leaving, as an inspiring legacy, her unfulfilled love and aspiration. And here the life story of our other hero opens with a picture of the infant Daniel lulled to sleep in the arms of a crooning negro nurse.

THEN THE SCHOOL-BOY

Chapter IV

Boston Latin and Norton School Days

Two lads that thought there was no more behind
But such a day to-morrow as to-day
And to be boy eternal.

Winter's Tale.

ROBERT TREAT PAINE was born at a house in School Street, Boston, near the present City Hall, at 4.30 A.M., March 4, 1731. That he was happy over his "early start" in life is shown by the precision with which he refers to the moment in his journal upon successive birthdays. The house was almost out in the suburbs then, though later the neighborhood became the haunt of aristocracy; the North End was then the court end of Boston. A month after this son was born, Thomas Paine purchased a house on the "lane leading to the Almshouse," near the corner of Beacon and Bowdoin Streets. This house stood much higher than the present buildings in that locality; for Beacon Hill was cut down many feet to fill in the Boston Mill Pond. Mother Treat lived with the Paines; also Mrs. Treat's sister, and James Freeman, a nephew of Thomas Paine, employed by him as bookkeeper. In January, 1735, Thomas Paine bought a brick

house, next door to the Boston Latin School, in this same School Street.

Coming out on the doorstep, with shining morning face, the boy Robert could look over at the weathercock on the Province House where the curious copper Indian, with arm behind his back, was shooting against the wind; he could look across to Copp's Hill, where the tombstones of the forefathers were silhouetted against the sky; above him was Centry Hill and its hanging "iron skillet" filled with kindling to be ignited in the hour of alarm; to the eastward was Fort Hill, where the red banner of King George was blazing in the sunlight, and the harbor beyond, whitening with the fishermen's outgoing sails. The immediate environment was one to entice a boy. Centry (now Park) Street ran past the Granary, which stood on the site of the present Park Street Church. In early days, the Common extended to the corner of Tremont and School Streets, including the Granary which gave its name to the Granary Burial Ground, set off in 1660. Below the pound stood the Bridewell, a large two-story, brick building 120 feet long, erected in 1737, to serve as an insane asylum and workhouse, anticipating the present Deer Island institution. Near at hand was a large brick almshouse, so overflowing with the poor, feeble-minded, sick, and aged, that it was colloquially known as the "Hell Huddle."

DIAGRAM OF BOSTON IN PAINE'S BOYHOOD

Paine lived in the centre of the Peninsula

Occasionally in summer, Robert's father preached to the inmates, but we imagine the boy saw enough of such unfortunates during week-days, and preferred to remain outside, teasing the stray horses, cows, and swine confined in the adjacent pound. His sister Abigail, four years older than he, kept careful watch over his vagrancy when he wandered down to interview the vocal inhabitants of the frog-pond. Sister Eunice, two years his junior, was a constant companion; sometimes on Sunday, Bob would mount a cricket, select a text, and solemnly exhort his imaginary congregation, represented only by the solitary Eunice sitting in appreciative silence.

In his rambles up and down the tortuous streets and narrow alleys, Bob visited Hutchinson's Corner for sweetmeats, or the apothecary at the "Old Cocked Hat," with its many gables and overhanging upper stories; the "Noah's Ark," with its walls seamed by the great earthquake, — a gathering-point for grizzled sea-captains and bearded Spanish sailors; the Boston Stone, from which distances were measured; the powder house, wishing-stone and gibbets on the Common where pirates were executed on Fast Days; and the great windmill on the point erected by the pioneers. He sailed toy boats upon the Mill Pond and spent happy hours on Long Wharf, which extended half a mile into the harbor, having

a wall of warehouses on one side. There he fished for pollock and cunners, mayhap baiting his hook for the sea gulls coming too closely ashore. On rainy days he visited the lofts filled with his father's merchandise, and listened to yarns by old sea-dogs about China and the Spanish Main. He saw at a distance the splendid gatherings at the Province House, and Bromfield's, and Sir Harry Frankland's magnificence; but he steered clear of the Bunch of Grapes and Green Dragon taverns, as scrupulously as did young John Adams; for he well knew that the black strap would be taken from the hook behind the kitchen door if his father once caught him within their precincts. Now and then his father took him to his counting-room and set him to work, tallying the invoices with the cargoes from the West Indies; and on Saturday afternoons in summer he would take the boy bathing at the narrow beach, cleared among the eel-grass at the foot of the Common, or boating on Charles River, a treat he was denied when alone, as an uncle had there been drowned on the very day he entered college.

There were merry hours, also, visiting the old parsonage at Weymouth where his father had preached. On clear days the Blue Hills of Milton challenged him and his comrades to explore ledges where rattlesnakes were sunning themselves,

and wild cats prowling. The prenatal instinct for mast-climbing prompted him to clamber to the pine-tops on the summit and trace the curving ocean shores and the sapphire ponds among the hills which intervene between Boston and the far-away peaks of Monadnock and Wachusett. With Eunice as comrade, he set traps for squirrels; placed water-wheels in the brooks, sought pungent flag-root in the fresh marshes, and went to see fishermen draw the alewive seine.[1]

Visiting their aunt at Barnstable each summer, it was their delight to go where clams were so thick that they spouted an inverted shower bath, as the fiddler-crabs rattled off to shelter among the rosemary. They watched the protean changes of sea and sky; gathered periwinkles, star-fish, devil's-apron and sea wreckage, while Robert held the white shells to Eunice's ear that she might hear the mysterious song of the sea.

Robert fitted for college in the old one-story, brick Latin School. An addition to the new and ambitious King's Chapel required taking a part of the ground occupied by the school and Robert records that he attended the laying of the corner

[1] An old quatrain runs:

Hingham for beauty,
Cohasset for pride,
If it was n't for herring
Weymouth had died.

stone in 1749.[1] The new Latin School was a stone building with a belfry and bell, erected at the expense of the King's Chapel trustees. "Master Birch" was the famous John Lovell, who moulded Boston youth, "lashed into Latin by the tingling rod," from 1717 till the famous day, in 1775, when he announced the opening of the war, — "*Deponite libros.*" Lovell himself was a Loyalist, but he inspired such patriots as John Hancock, Thomas Cushing, James Bowdoin, Sam and John Adams, all of whom Paine as a boy came to know.

At home Bob was carefully brought up in the nurture and admonition of the Lord. The Old South Church had such important influence in his formative days that we may dwell a moment on its story. About 1670, two factions arose in the First Church, on the subject of baptism and the introduction of the "Halfway Covenant." The liberal wing, being in the minority, withdrew and gathered a new congregation, known first as the "Third Church," afterwards as the "Old South." Here Samuel Willard, Paine's great-grandfather, was long pastor, and here in boyhood Paine attended, sitting in a box-pew with his grand-

[1] Joseph Green, in his poem on Boston, says of the removal of the building to the other side of the street:

"A fig for your learning! I tell you the town
To make the church larger, must pull the school down."
"Unhappily spoken!" exclaims Master Birch;
"Then Learning, it seems, stops the growth of the Church!"

mother, mother, father, sisters, and aunt — a family party of seven, punctual at meeting, three times, on the Lord's Day. In strange evolution the First Church of Boston, once rigidly orthodox, later developed into a Unitarian Church, which Paine in old age attended, while the dissenting Third Church to-day remains an orthodox body in its new uptown meeting-house.[1] The other day, after two hundred and thirty-five years, the two churches discovered that all are dug from the same clay, and Dr. Gordon, from the Trinitarian Old South, administered the communion to Unitarians of the First Church, among whom were direct descendants of our Paine.

The "Great Awakening," a spell of religious ferment from 1730 to 1750, succeeded a period of spiritual apathy and languor. People were aroused by the powerful preaching of Jonathan Edwards, of Northampton, and carried away with the earnest eloquence of George Whitefield. Governor Belcher, who had heard of the fame of Whitefield in Georgia, invited him to Boston. He first came September 15, 1740, and was taken in tow by Robert Treat Paine's great-uncle, Josiah Willard, secretary of the Province of Massachusetts for thirty years. During Whitefield's constant preach-

[1] Both these societies now meet in new sanctuaries, near where, in Paine's boyhood, British ships-of-war could come to anchor.

ing, young Paine was among the great out-of-doors audiences, so large that several persons lost their lives in the crush. When Whitefield preached in the Old South Church the boy must have been impressed and tickled to see this gray-haired, cross-eyed, young minister hoisted in through a side-window, on account of the tremendous audience, as a few years later, Dr. Joseph Warren made a similar flank entry, when it was otherwise impossible to reach the pulpit. Whitefield came several times, sometimes sent for by Parson Prince when he thought the "heavenly shower" was over. Paine never failed to hear him and wrote, in critical college days, that he "applauded the oratory, but condemned his jurisprudence." Whitefield's teaching became the subject of violent discussions; the air of New England was alive with pamphlets, tracts, and treatises for and against this preacher. During and after his visits, there were large additions to the church membership; the face of the town seemed changed, and a moral uplift was apparent at taverns and in the streets. Whitefield keyed up the populace to high nervous pitch. Robert caught the excitement of these "revivals." In 1746 he joined the Old South Church, being then fifteen years old.[1]

[1] Congregational statistics show this is the age when the greatest numbers become church members.

He records, March 16:

This day, I was taken into the Old South Church in Boston, and took the covenant of grace upon me; and that it might be a perpetual covenant never to be broken and that I might never more return to sin or indulge myself in any iniquity, but in the name of God, I will resolve against all sins, especially those that most easily beset me.

Apparently his grandmother, in commendation of his course, presented him with a memento of the occasion, for his diary says:

March 20, 1746: Grandmother gave me a gold ring (*nil nisi dantis amore*).

Parson Prince gave him the right hand of fellowship, as he had christened him. Young Paine took a deep interest in all things religious, listening not only to Prince and Sewall expounding the catechism at the Old South, but to Samuel Mather, at the Second Church; to Mather's cousin, Mather Byles; to Benjamin Coleman, at Brattle Street, and Jonathan Mayhew at the West Church, the last being an especial favorite of Paine. Whenever he met a parson in wig and bands, black skull cap and Geneva cloak, with Bible under his arm, he would doff his cap in respect for the cloth. He was likely recognized by Governors Belcher and Shirley, from the fact that his uncle was secretary at the Province House

and his father and grandfather had been clergymen.

To his parents and grandmother, the Sabbath was a day of keen pleasure, when they could indulge in the luxury of a soul-stirring sermon; but to a boy, the long sermon, running often to "twenty-fifthly," seemed an uncomfortable interpretation of the Bible. Hell became as real a place in his geography as Cornhill or Boston Harbor. He sat with eyes wide open, in torture at the thought of eternal damnation; kicked his feet on the floor to keep them warm, or finally went to sleep from sheer exhaustion. A strict Sunday observance was one of the last of the Puritan notions to be relinquished. No walking the streets or loafing at the tavern was allowed to mar the sanctity of the day. On Saturday evening, Bob read "Pilgrim's Progress," Mather's "Essays To Do Good," or his great-grandfather Willard's "Body of Divinity," the first folio printed in New England, containing two hundred and fifty lectures on the "Obligation of the Sabbath," "The Doctrine of Devotion," the "Lawfulness of Interest on Money," and such controversial theological questions, popular in their day, though a weariness to a modern reader. Robert quizzed Eunice in the catechism, and went to bed after carefully shining his boots, in preparation for the rigid observance of the following day.

Boston, then over a century old, was a town of fifteen thousand people. The oligarchy of the greater Mathers was now ended; Judge Sewall, the diarist, had laid down his chronicle pen. The age of brocade was arrived; King's Chapel held many ruffle-shirted Episcopalians; halberdiers attended the Governor, and lace cuffs and powdered wigs were in evidence at the Thursday Lecture. George Brownell applied to the selectmen to instruct pupils in the "gentle art of dancing." This raised a rumpus among church-goers. By 1740, Boston had a population of sixteen thousand thrifty, tidy, and prosperous citizens. In 1742, there were 1719 houses, 166 warehouses, 1200 widows of sea-captains, and 1514 negroes. Peter Faneuil had given Boston his hall, to rank with the Town House, Province House, and some fine mansions. There were four schoolhouses (but no Sunday Schools), three Episcopal churches, one meeting-house of Quakers, and one of Baptists. The streets were badly paved; watchmen walked their rounds at night crying the hour and giving account of the weather in "moderate tones." Theatrical performances were frowned upon, but a bowling-green was set up at Fort Hill, in 1742. Town reprobates were "posted" upon public walls. Briareus could not wear the multitude of rings and gloves given to the minister at weddings and funerals. Lotteries, small-pox, and Fast

Days flourished; the General Court authorized a lottery to raise funds to support Harvard College. Churches sometimes were maintained by this means, while dancing and theatricals were under the ban.[1] Zabdiel Boylston was a famous physician inoculating with Lady Mary Wortley Montagu's newly-discovered remedy, and thus creating a bone of contention among medical men. It was argued that one in eight, not inoculated, died, against one in thirty of those inoculated. Every one stood in dread of the small-pox. Doctors did a thriving business inoculating, and contagious hospitals were erected everywhere. In time of pestilence or war, or in critical affairs of church and town government, it was customary to seek divine guidance by days of fasting, humiliation, and prayer. Hymns of "mere human composers," as the successors of Dr. Watts were called, began to be hummed and fugued. Hoop petticoats were arraigned by the "light of nature and the law of God." Newspapers contained many advertisements of negroes for sale, for the apprehension of runaways, and for negro wet-nurses. Bibles were clandestinely printed by Daniel Henchman, in violation of the exclusive right given to John Basket in England. Umbrellas

[1] Behold the whirligig of time! To-day the parson may waltz with the soprano, and play the rôle of Hamlet on the chapel stage, but his days are numbered if he starts a church raffle!

BOSTON HARBOR IN PAINE'S BOYHOOD

were unknown, and the "great-coat" was the only effective shield against east wind and storm. No shops were open Saturday night. Dogs were so numerous and annoying to butchers that no one was allowed to keep a dog above ten inches in height. In 1741, the impressment of Yankee sailors, by the British men-of-war in the harbor, was vigorously resisted by Thomas Paine, father of Robert. There were spinning-schools, and Paine, in his diary, speaks of attending a famous spinning-bee up on the common. A gentleman named Oldmixon, coming from England in 1741, said, "The conversation of the people of Boston is as polite as the want of it is in England."

The large towns were on the seaboard. Boston, though third in size in America, was first in commercial importance; six hundred vessels cleared annually from her harbor, although by its location it was a "foul weather port." On the hills, except Centry, there were windmills for grinding corn.[1] State Street was then King Street; Washington was Cornhill, Marlborough Street, and Orange Street in its different sections.

Paine's boyhood was spent in this snug little town, under Puritan influence. He was not one

[1] The name "Tri-Mountain," from which the present "Tremont" Street is derived, came not from the three hills of the Peninsula, but from the three peaks of Centry or Beacon Hill, the loftiest of the three.

to "creep like snail unwillingly to school." It was only a hop, skip, and jump from his back door into the schoolhouse; as, later, it was but a step over the back fence to the theatre for his son, Robert, who became a theatrical poet. Propinquity counts much in shaping careers. Therefore it is not surprising that proximity to the schoolhouse produced a bright scholar who could master the rule of three, recite *hic*, *hæc*, *hoc*, explain dative, locative, and ablative, and commit to memory his lines from Ovid's "Metamorphoses" with facile aptness. From the Boston Latin School, Robert was graduated at the head of his class.

In contrast to the town-born Paine, Daniel Leonard enjoyed the traditional wholesome New England country boyhood. Paine's progenitors, by their sedentary habits, and minds dwelling much in the unseen realms of the spirit world, naturally produced a child inclined to be religious in character. Boston's narrow streets lacked the ozone of pine forests, to strengthen his physique. Daniel Leonard inherited a vigorous current of blood from ancestors who kept in constant touch with Mother Earth. He was cradled close to Nature's breast, where fields sparkled with morning dew, brooks rippled through green meadows, and bluebirds heralded the springtime from the budding oak. From country sources

of vitality was he strengthened for the strain of many years.

Although Ephraim Leonard married four wives (some say five), of whom two were widows, there was no tangle of "my children and your children playing with our children." The sole darling of the household was Daniel, who, like the great Leonardo of Italy, was petted, scolded, coddled, or spanked by a succession of maternal guardians. Born with an iron spoon in his mouth, the spoon had a silver lining. In the springtime, when the partridge was drumming in the woodlot, he helped "Robin," "Cæsar," and other family slaves in breaking steers. He planted fields of Indian corn, dropping four kernels and one pumpkin seed in each hill, while crows smiled from the neighboring pines. The town gave a bounty for these rapacious crows and bluejays, and they made a tempting target for Daniel with his long "Queen's arm." He dug out woodchucks, tacking their salted skins on the barn door; tamed the young crow and taught him to "talk" by splitting his tongue on a silver shilling; listened to bees buzzing in the hollow tree; carried home soft squirming squirrels in his hat; and brought in pocketsful of moss, lichens, quartz pebbles, "mud turkles," and eggs of the old fire hang-bird. We must forgive him if he ever came home with a huge paper hornet's nest, to set the contents loose during a

sewing bee in fulfilment of a certain text of Scripture.[1] He sought the chickadee's home in the birch stumps, the snake's skin in the fly-catcher's nest; climbed the barn rafters to see the young swallows, and gathered cocoons of moth and butterfly. He knew the habits of the far-travelling fox, that one night was in Norton, the next in Bridgewater, the third in Rehoboth. He set horse-hair snares under springy saplings, and climbed pliant birches to swing over to the ground in thrilling hazard. He lay at night by charcoal pits, listening to the rollicking whip-poor-will and whickering screech owl; pricked up his ears to catch the bark of a distant coon; or watched the fantastic sparks shooting from the peaty, smouldering mound.

In the summer, when clams were brought from the shore, he baked them on heated stones in King Philip's Cave, overlooking Winnecunnett. He chased the cattle out of the corn, and was happy when a shy deer mingled with the cows in the meadow. He went swimming at Wading River or in the Mill Pond, where high-water was marked by a copper bolt driven into a boulder, and performed all the aquatic tricks such as "skinning the cat" and "bobbing for eels," handed down by boys to this day. After the swim, with feathers in their hair the naked boys raced whooping through the woods, imagining they were

[1] Deuteronomy 7:20.

"Injuns" on the war-path. They made huts of odorous pine-boughs, built camp-fires, smoked sweet fern and "everlasting," roasted fish, baked potatoes, and for a choice relish boiled snakes' and turtles' eggs.

The sports of country boys are sometimes rude, crude, and unseemly. In Norton there was a custom of egg-gathering in bird-nesting season, when the boys chose sides, which separated to scour the woods and rifle the nests of crows, blue-jays, owls, hawks, and blackbirds. The banditti assembled in some secluded rendezvous, where the captains of each side would utilize the plunder as ammunition in a hand-grenade duel. When they returned home, a walking omelet, they were careful to make an unobtrusive entrance to avoid a supplementary taste of "strap-oil."

Dan went fishing in the great ponds for white perch, pouts, and pickerel (much larger than we get to-day), and possibly he made the acquaintance of one of those antedeluvian bull frogs which Jocelyn, the first New England naturalist, tells about, "as large as a new-born baby." The ring of the anvil and the glow of the "hearth" were familiar to him; wherever he went a-visiting among his relatives, he found a bloomery to play in. He thoroughly understood the iron business; had fed the oak wood into the furnace, dug the ore, worked the bellows and poured the

molten iron into the pits of sand, and hammered out the nails and horseshoes. The June Muster was a grand holiday event for every boy within a half-day's horseback ride of the training-field on Taunton Green.

In autumn, Daniel entered the surrounding forest, multi-colored as the coat of Joseph, and climbed the high shagbark and chestnut trees, to shake down ripened nuts. He inflated dried bladders, put a solitary pebble rattling inside, then tied them to the tails of roosters and strutting gobblers, and sent them, frightened and distracted, round the farmyard to create a gallinaceous panic. He baited belligerent rams in the sheep pasture, and we suspect the dare-devil boy sometimes entered the deer paddock and mounted an old buck, clinging to his horns and dashing madly about the enclosure.

In winter, he went coasting, "belly-bump," down the glistening hills on his bob-sled, or skating under the crystal stars on the Mill Pond. This Daniel come to judgment knew the tracks, in the snow, of all animals; the two prints of the mink, the four prints of the rabbit, the delicate track of the white-footed mouse, and the double track where the hound had followed the fox. Occasionally the three marks of the wild turkey's foot sent him hurrying for his gun; and the otter, raccoon, and howling wolf brought excitement

a-plenty. The yawning fireplace, of enormous appetite, claimed a large share of his time to supply it. In the evening, he roasted corn and nuts on the hearthstone; read "Robinson Crusoe" and Franklin's Almanac, and listened to stories of local ghosts and goblins, by the fireside, as he watched the "wild geese" climbing the soot on the chimney-back. Credulous slaves told weird tales of African life; and witch stories were connected with the family. One tradition was that the original Major George Leonard, Daniel's grandfather, had made a league with the Old Rascal in order to gain great wealth, and in return for services rendered, Leonard was to give the Devil his body and soul when called for. In 1716, he was ill with a fatal fever; the Evil One appeared, claimed the cadaver, and bore it away. Giving, as he left, a tremendous leap from the top of the house, he landed on a distant rock, leaving footprints which are clearly seen to this day to prove the story true.

Daniel may have gone with his father to hear Whitefield speak on Berkley Common. The preacher proclaimed to the children that the people of Taunton were "part man, part beast, and part Devil," and a few years later came back to correct his statement by announcing they were "all Devil."[1]

[1] Norton in the year 1910 is a peaceful, unpretentious town spread out over a flat country covered with white pines, juni-

So Daniel came through boyhood's happy days without encountering, so far as we know, either constable or bonesetter.

As for his school days, we have the following entry in the town records:

December 30, 1751 — Voted to Ephraim Leonard, Esq., for boarding ye school master (Stephen Farrar) 6½ weeks, and feching him from Concord, £11–00–0 Old Tenor; £1–9–4, Lawful Money.

Six and a half weeks in the year is small schooling for a boy of eleven, even though he may absorb learning from daily companionship with the

pers, and maple and white oak, for charcoal burning. Its two thousand inhabitants are gathered in a half-dozen centres; several of the old Leonard mansions are still standing to remind the visitor that they were the lords of this land, though the house in which Daniel grew up was razed in 1893. The first minister's house, a fine type of the substantial Colonial home, is pictured on the town seal, with that atmosphere of solidity, hospitality, and comfort known to the old-fashioned Yankee folk. Norton has many greenhouses where midwinter cucumbers are raised for Boston epicures, and in which the water is still so impregnated with iron as to corrode the boilers; there is a large box-board factory in which the surrounding forests are being continually converted into casings for all manner of merchandise; there is a jewelry factory catering to the vanity of America. The most noteworthy change which has taken place in the last hundred years is Wheaton Seminary, founded by Daniel Leonard's American agent. This institution, which advertises the town of Norton about the country, has drawn young women from every State of the Union to this village.

preceptor, sitting beside him at the table, and sleeping with him at night. The town was quartered for school purposes as the following entry shows:

At a legal town meeting of Norton, Massachusetts, held March 29, 1727, it was "Voted that Josiah Griggs shall be scholl master to keep Scholl in Norton. . . . Provided he will keep scholl, the first quarter at ye middle of the towne; and the second quarter at Winconett; and the third quarter on the south side of ye way that is towards Elezer Fisher's; and the fourth quarter at Left. White's or theyreabouts."

Daniel lived in the Winnecunnett section, and rode his pony to the other remote places, swinging around the circle for twenty-five weeks. The minister, of course, supplemented the pedagogue in preparing the youth for college. The first settled minister at North Precinct (whom Ephraim Leonard had brought down in his chaise from Brookline, as he had brought the school-teacher from Concord) was Ebenezer White, a graduate of Harvard in 1733. He administered the church affairs for twenty years, and taught young Daniel, as Rev. John Avery at South Precinct taught his cousin, George, a few years earlier. This George attended Harvard, but other cousins went to Yale, so that Daniel had inclinations toward both in-

stitutions.[1] Eleven years after Paine was matriculated, Daniel, nine years younger, was admitted to Harvard. Thus we picture him at sixteen years of age, like the Daniel of Bible days, "of no blemish and well-formed," going up to Harvard in his eagerness and expectancy to enjoy the new faces, new friends and new pleasures of the college life in which he was to take a conspicuous part.

[1] President Clapp of Yale was a summer resident of the Old Colony at Scituate, and his influence may have been felt in this vicinity.

Chapter V

Harvard College in the Eighteenth Century

After God had carried us safe to New England, and we had builded our houses, provided necessaries for our livelihood, reared convenient places for God's worship, and settled the Civil Government, one of the next things we longed for and looked after was to advance Learning and perpetuate it to Posterity, dreading to leave an illiterate Ministry to the Churches, when our present ministers shall lie in the Dust. — John Winthrop.

At the age when the ancient Roman youth assumed the *toga virilis*, Bob Paine was putting on the prescribed green frock coat and skull cap of the Harvard freshman. His mother, Eunice Paine, was a daughter, stepdaughter, granddaughter, and wife of a minister; quite naturally she wished to be mother of a preacher of the gospel. The tablet on the western gate of the Harvard Yard, quoted above, proclaims that the institution was founded for the purpose of educating young men for the ministry. For a century afterward, the major portion of those who entered college expected to make it a stepping-stone to the pulpit. It was for this purpose that Bob was sent to Harvard, as the parents of John and Sam Adams and John Hancock had likewise sent their boys, although no one of this quartette of lifelong intimates is recorded in the

Quinquennial with "S.T.D." appended to his name.

On a September morning, then, in 1745, Paine's fond mother kissed her boy good-bye, sister Abigail put a flower in his button-hole, and Eunice, aged twelve, clapped her hands and exclaimed, "Some day you'll be a great preacher, Bob, and we'll all come to hear you." They followed Robert with admiring eyes as away he rode with his father in the chaise down across Roxbury Neck to Cambridge, seven miles distant, as the guidestone, regardless of modern short cuts, still proclaims.

The college world of which Paine became a part could not muster one hundred and fifty all told.[1] There were but three halls around the Yard. The faculty consisted of President Holyoke, Professors Wigglesworth and Winthrop, and Tutors Hancock, Mayhew, Flynt, and Marsh. Boys were still flogged, although, after 1734, boxing the ears was "expressly reserved to the president, professors and tutors." Dignity was much enforced. The students were little old men. Conversations were carried on in Latin, or something like it.[2] Daniel or Robert, meeting President Hol-

[1] Paine's class graduated twenty-three members; Leonard's, twenty-six.

[2] By the original Dunster rules, "The scholars shall never use their mother tongue, except that in public exercises of oratory, or such like, they be called to make them in English."

HARVARD COLLEGE

(When Paine and Leonard were students)

yoke in the College Yard, doffed their caps at eight paces and hailed him "*Salve o præse*," and "passed the time of day" among themselves as Pompey or the Gracchi might have done in the Roman Forum. If Paine's chum called him "Bob" in public, he was liable to a fine; there were fines for "making tumultuous noises," "neglecting to repeat the sermon," "despising Hebrew," "going on the top of buildings," or "leaving college without proper garb." To wear "silken night-gowns" was a heinous crime. A student was fined a shilling and a half for lying, and if detected at card-playing (Have a care, Daniel!) was fined two shillings and sixpence.

If a minister's son is the Devil's grandson, college days will prove it. Robert was not especially precocious; in no sense did he exhibit the so-called flash of genius later ascribed to his son; neither a prig nor an æsthetic recluse, he was a youngster emerging from a long line of students, and inheriting poor health. Such recreations as he took were limited by the omnipresent eye of the faculty, if not by his own conventional tastes. Searching his heart for hidden guile, he lingered over his Shepard's "Sincere Convert" or Stoddard's "Guide to Christ." He indulged in the milder forms of college dissipation; gathered with the boys in front of the buttery, when mutton was served too frequently at Commons, to bleat and baa

until the steward cried for mercy; and whenever the butter became so rancid it "was n't fit to grease a farmer's cart wheels with," he rose in righteous indignation. To drive dull care away, he purchased a German flute at the cost of £4-18*s.*; and bore the *basso profundo* when the boys sang glees in close harmony under professors' windows. "Making the president's hay" was then a part of the freshman duty. From June 16, 1746, to June 25, as his journal indicates, you might have seen Paine whetting his scythe, mopping his moist brow, raking hay into windrows, or seeking the cool, brown jug in the corner of the field. The "jug" figures in Paine's diary in his early days. The laconic but expressive entry, "Got drunk," appears as late as March, 1767. For May 15, 1746, we read:

> Whipple[1] gave us a very sumptuous treat. Oliver got drunk before dinner and I went home a little boozy myself.

It was provided, by a law passed in 1734, that no undergraduate should "keep by him brandy, rum, or any other distilled liquors, nor make use of any such mixed drinks as punch or flip in entertaining one another or strangers." Students

[1] Whipple, the first in rank of the class, died the year after graduation; Oliver was an associate member of the Academy of Science with Paine in 1780.

were allowed a half-pint of beer at each meal, and Paine frequently ran over to town for "half a barrel of cyder." The nearest route between Cambridge and Boston was by ferry. The keg was placed in a boat at Long Wharf or the Old West End, rowed over to Cambridge, and conveyed by willing hands, with some little ceremony, to the tap-room in a secret cellar. Cider was a joy to Paine in youth and a solace to age.[1] This was the natural beverage for the New Englander, made from the native apple; just as the Frenchman drank the wine of the grape, the Mexican the cactus juice, or the Eskimo his whale oil.

To keep the students from the temptations of Boston taverns, the buttery hatch became a sort of buffet lunch, where beer, cider, and other "extras" could be obtained, and from which the butler realized many perquisites. All the students were obliged to attend Commons unless excused by the president. Constant grumbling, and the discharge of steward after steward, brought about a vote of the Corporation in 1750 that the quantity of commons be "two sizings of bread in the morning, one pound of meat at dinner with sufficient vegetables, and a half-pint of beer; and

[1] John Adams attributed his longevity to a mug of hard cider before breakfast; and thought the first ancestor of his family would never have eaten the apple in the Garden of Eden if he had known what good cider it would make.

at night, that a pot-pie be of the same quantity as usual, and also half a pint of beer." Soon after Leonard left college, beer was banished from the table, and cider took its place, brought on in pewter quart cans which were passed from mouth to mouth like the wassail bowl. Students were then forbidden to sup or dine in town, "except on an invitation to dine or sup gratis," and shortly, breakfasting in town was forbidden — the morning meal being served at the Commons instead of at the buttery.

On the wall of the dining-hall was hung a list of the students written in large German text, giving their names in the order of their rank; those at the top were allowed to help themselves first and pass to the next. A platform, raised twenty inches, put the seniors and tutors on a higher level. An old regulation says:

> The waiters, when the bell tolls at meal-time, shall receive the plates and victuals at the kitchen-hatch, and carry the same to the several tables for which they are designed. And the senior tutor or other senior scholar in the hall shall crave blessing and return thanks.

During the discussion of the equality of men preceding the Revolution, the custom of ranking students according to their family importance, instead of alphabetically, was questioned as

inconsistent with the rising American ideals. Social precedence was earlier abolished at Yale, but the Harvard faculty still sat arbiters of rank until 1773, weighing the standing of citizens whose sons were in college. During Paine's and Leonard's college careers, they shone by their fathers' glory rather than their own. The ranking of the class produced heart-burnings and jealousies among the students and their parents. Learning, blood, culture, pious ancestry, all succumbed to blatant prosperity in the West India or slave trade. It was a day of excitement, rage, and harsh reflections on the faculty by disappointed students, who were slow to acquiesce in their allotment. Paine, although descended from a president of the college, ranked only ninth in his class; while Leonard, son of a wealthy iron-master, ranked second.

When Paine entered Harvard, coming with the highest honors from the Boston Latin School, he was placed in the home of Rev. Mr. Appleton, whose family name is now preserved in the college chapel. His room-mate was a friend named Barrett, who died in his sophomore year. Paine's watchful care of this feeble chum was very trying, for he himself had but a modicum of health; and though tall, at the age of fifteen weighed only ninety pounds.

Rev. Thomas Paine, starting on a health voyage

during his son's college course, wrote a letter of fatherly counsel, closing thus:

Let these texts be your guide in all cases, civil and religious. Psalms xxv, 9, Matt. xxviii, 20.[1]

Our Puritan ancestors discouraged familiarity in their intercourse with their children. Dignity and restraint were impressed upon them, and their duty was exhibited by the tone of submissive respect and obedience, rather than of warm affection. A letter by Robert to his father in 1749 reveals the formal relations of father and son and the mature philosophy of the young man:

Be pleased, sir, to accept a few lines as a token of the respect and duty which your much obliged son bears towards you. It is, indeed, with great reluctance that I think of your intended voyage; and although it is not for me to regret your proceedings, yet human nature has many foibles, and the weakness of youth needs much indulgence. If your health would be served by any other means, with great pleasure should I hear it; but if that, and that method only, will avail, with profound submission, I acquiesce. I may not have another opportunity of writing to you, or of hearing from you again; therefore, as far as words will go, I would express my

[1] "The meek will he guide in judgment: and the meek will he teach his way." "Teaching them to observe all things whatsoever I have commanded you: and, lo, I am with you alway, even unto the end of the world. Amen."

sincere desire for your welfare, hoping that the same Providence which has hitherto kept us both, will still keep and preserve us, and bring us again to a happy meeting in this world. I hope, sir, I shall never be unmindful of the relation I stand in to you, either as a child or as one who professes Christianity: and, sir, I desire your remembrance of me, that, however Providence orders in this world, yet that we may be happy hereafter.

Profanity and "taking the great and holy name of God in vain" were so prevalent in college, that (November 20, 1747) Rev. Mr. Appleton gave a lecture against swearing, and called upon all who had "any honor, religion, and reverence for the name of God," to do all in their power to discourage the unholy practice. Paine was among those who volunteered to report any profanity, and kept his ear alert for the Latin swear-words —one of which, "*dei te perdant*," the boys had learned from lively Terence.

In his Journal, May 14, 1746, Paine notes:

Lee returned from Louisburg. Was reduced fourteen places in class, and compelled to make public confession.

Possibly the old French cross from the chapel at Louisburg, found years afterward in the basement of one of the Harvard dormitories, and set

up as a trophy over the entrance to Gore Hall, was a token of the sign-stealing proclivities of this student. The public confession in chapel at morning prayers was one of the punishments for misdemeanors.

Studies, as well as apparel, were prescribed. Both Paine and Leonard scanned their Virgil and Juvenal, parsed Greek paradigms, attended vespers (always committing to memory the text of sermons); sharpened their quills, and translated St. Paul's Epistles from the original Greek into Latin of their own make; struggled with Euclid, and Newton's "Principia," and went to hear Whitefield, who periodically appeared to arraign the college; saying that it had sunk into a "seminary of paganism," and that "their light had become darkness — darkness, that may be felt." [1]

[1] The standing of Paine's class was as follows:

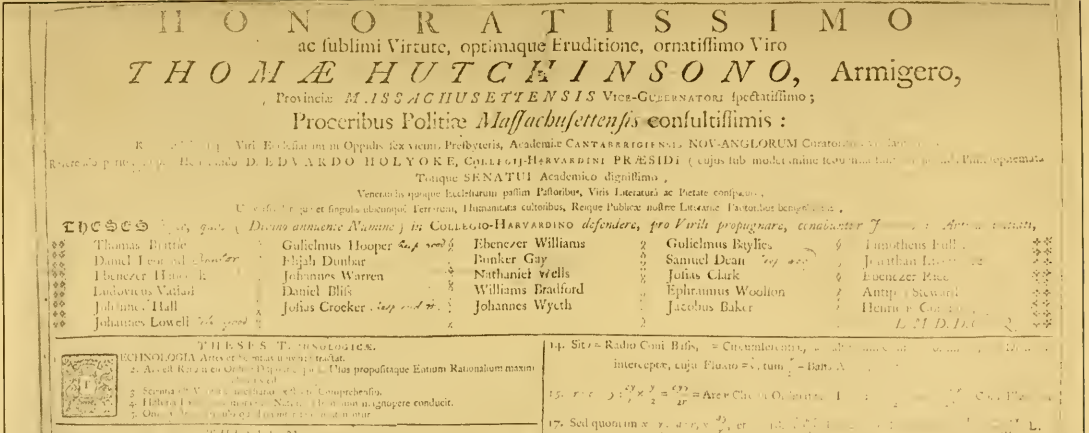
William Whipple	Newport
Andrew Oliver	Boston
Edward Wigglesworth	Cambridge
Nathaniel Appleton	Cambridge
Benjamin Marston	Marblehead
John Seaver	Kingston
John Cotton	Newton
Cotton Tufts	Medford
Robert Treat Paine	Boston
John Wiswall	Boston
Joshua Green	Boston
Samuel Brooks	Medford

When Daniel Leonard entered Harvard, he was placed third in his class of 1760, and after the departure of Francis Green, ranked second. Thomas Brattle, of Cambridge, stood first. Leonard's father was the first citizen of the Norton Plantation, had prospered in business, and had held nearly every office of consequence except that of minister. Daniel Bliss, of Concord, a great-uncle of Ralph Waldo Emerson, was Leonard's room-mate, and he, with Samuel Dean, also from Norton, was with Leonard in London twenty years later as a Tory exile. Freshman Leonard ran bareheaded around the Yard on errands for the seniors; wrestled, pitched quoits, and was prominent on the lighter side of college life. In the faculty records we should not expect to find mention of Paine's degradation in the class for refusing to doff his cap to tutors, playing on his flute at midnight, sleeping during class lectures, throwing stones through professors' windows, or writing libellous acrostics on the faculty. His record is

William Tidmarsh	Boston
Gideon Richardson	Sudbury
Nathan Tisdale	Lebanon
Samuel Haven	Framingham
Joseph Wilson	Malden
Abijah Thurston	
Timothy Pond	
Ezekiel Dodge	Shrewsbury
Israel Cheever	Concord
Oliver Meriam	Concord

even clearer than that of Sam Adams, who has one solitary reprimand against him for lying abed after the college bell proclaimed the hour for prayers. Leonard was fined a number of times for absence. These pecuniary mulcts (Yankees were thrifty in the matter of punishments) suggest that he was playing truant in Boston. Emerson said: "Send your boy to school, and he will get his education on the road." But Daniel was never rusticated, nor convicted of flagrant "crimes." In 1757, a military company was formed to drill with firelocks on the Delta (where Memorial Hall now stands) and on Cambridge Common. In these "Harvard Fencibles," Leonard held a captaincy. The student soldiers, aping their elders, learned tactics in anticipation of enlistment in the days when France and England were ready to fly at each other's throats on slightest provocation. They made a glittering spectacle under command of Captain Brattle, Leonard heading the first division, arrayed in green coat, with white trimmings and buff hose. The girls from the fine houses, which later became "Tory Row," smiled and waved their handkerchiefs, and Daniel returned the greeting with sword salutation as he passed by the elm tree under which Washington, fifteen years later, was to take command of the American Army.

Leonard, at Commencement in 1760, deliv-



HONORATISSIMO

ac sublimi Virtute, optimaque Eruditione, ornatissimo Viro

THOMÆ HUTCHINSONO, Armigero,

Provinciæ MASSACHUSETTENSIS Vice-Gubernatori spectatissimo;

Proceribus Politiæ Massachusettensis consultissimis :

Viri Ecclesiarum in Oppidis Rexvicum, Presbyteris, Academiæ CANTABRIGIENSI NOVANGLORUM Curatoribus

Reverendo primo, Reverendo D. EDVARDO HOLYOKE, Collegii Harvardini PRÆSIDI (cujus sub moderamine regiminis

Totique SENATUI Academico dignissimo,

Venerandis quoque Ecclesiarum pastim Pastoribus, Viris Literatis ac Pietate conspicuis,

Universis denique et singulis obscuriori Terrarum, Humanitatis cultoribus, Reique Publicæ nostræ Literariæ Patronibus benignissimis,

THESES [illegible], quas, Divino annuente Numine, pro Collegio-Harvardino defendere, pro Viribi propugnare, conabuntur [illegible] Artium candidati,

Thomas Prentice	Gulielmus Hooper	Ebenezer Williams	Gulielmus Bayley	Timotheus Pull[illegible]	
Daniel Leonard	Elijah Dunbar	Bunker Gay	Samuel Dean	Jonathan [illegible]	
Ebenezer Hancock	Johannes Warren	Nathaniel Wells	Josias Clark	Ebenezer Price	
Ludovicus Vassall	Daniel Bliss	Williams Bradford	Ephraimus Woolton	Amp[illegible] Steward	
Johannes Hall	Josias Crocker	Johannes Wyeth	Jacobus Baker	Henricus Cu[illegible]	
Johannes Lowell				L. S. D. D. C.	

THESES Theologicæ.

THEOLOGIA Artes et Scientias universas tradit.

2. Ad eas Recte in Ordine Disponendas, [illegible] Duos propositique Finem Rationalem maxime [illegible]

3. Scientia [illegible] Mentis Humanæ [illegible] Comprehensio.

4. Hæc [illegible] Naturæ Humanæ Notitia [illegible] ad [illegible] Religionem conducit.

5. Omnes [illegible] Humanæ [illegible] Naturæ [illegible]

THESES Metaphysicæ.

METAPHYSICA est [illegible] Scientia quæ Entia [illegible] sive Rerum Mentis ex [illegible] Naturibus, earumque Quæstionibus [illegible] Veritatis.

2. Veritatis [illegible] Primo [illegible] Mentis [illegible] Veritatis [illegible]

3. Prædeterminata [illegible], quæ Libertatem [illegible] tollit.

4. Deus [illegible] non potest prohibere Natur[illegible] Cause Necessitatem a priori contemplamur.

THESES Ethicæ.

ETHICA Regulas omnium Excitatem Virtute obtinendi Ethibus Rationalibus tradit.

2. [illegible] Hoc [illegible] partim naturalis est Virtus.

3. [illegible] Moralitas ex Voluntate primo pendet.

4. [illegible] Regimen Hujus tradet [illegible] Actionibus omnibus pendet.

5. [illegible] Virtus in hac Vita [illegible]

6. Virtus [illegible] Voluntate, non Virtus etiam in hac Vita frequens.

THESES Theologicæ.

THEOLOGIA est [illegible] Cognitionem, et Cultum quæ ex Cognitione, tali fluit.

2. [illegible] Cognitionem Mentis.

3. Ex Religione Veritates Positivæ [illegible] Objectivæ Obscuriori vix minor quam ex ejusdem Consultione.

4. [illegible] Positiva [illegible] Religionis prius [illegible] quendum est.

5. Publicatorum Evangelii ad Pietatem destruendam Rationalem tendit.

14. Sit [illegible] = Radio Coni Basis, [illegible] = Circumferentia, [illegible] intercepæ, cujus Fluxio = [illegible], tum [illegible] = Basi. A[illegible]

15. [illegible]

17. Sed quorum [illegible]

20. Fluxio [illegible]

21. Cum [illegible]

22. Simila Contenta Corp[illegible] [illegible] tantum in Proportione Arithm[illegible]

23. Sit Relatio Curvæ alicujus Axi suo, [illegible]

24. Tum Fluxio Areæ [illegible] [illegible]

25. Quadratum Ordinatæ Quadratum [illegible]

26. Sit [illegible] Axi Cylindri, [illegible] = Parameter [illegible]

27. Fluxio Momentorum [illegible] et [illegible]

29. Summa Virium [illegible] per Summam Momentorum [illegible]

Punctis Suspensionis a Centro Percussionis Portio[illegible]

L. S. D. D. C.

HARVARD COMMENCEMENT PROGRAMME, 1760

(Note contemporary comment "Orator" at Leonard's name)

ered a Latin Oration in presence of Lieutenant-Governor Hutchinson, the assembled concourse of alumni, and his proud father and stepmother.[1] In 1766, he went to Yale to receive his "ad eundem" degree. His mother (from Norwich, Connecticut) had family associations with Yale, and this branch wished Daniel also to wear the colors of their college. The young man found a

[1] The order of rank of Leonard's class was:

Thomas Brattle	Cambridge
Daniel Leonard	Norton
Ebenezer Hancock	Boston
Lewis Vassall	Boston
John Lowell	Newbury
John Hall	Wallington
William Hooper	Boston
Elijah Dunbar	Boston
John Warren	Wenham
Daniel Bliss	Concord
Rev. Josiah Crocker	Eastham
Ebenezer Williams	Roxbury
Bunker Gay	Dedham
Nathaniel Wells	Wells
William Bradford	Boston
John Wyeth	Cambridge
Dr. William Baylies	Uxbridge
Samuel Deane	Norton
Ephraim Woolson	Lexington
James Baker	Dorchester
Timothy Fuller	Middleboro
John Livermore	Westboro
Ebenezer Rice	Marlboro
Antipas Steward	Marlboro
Henry Cuming	Hollis

new atmosphere in New Haven. President Clapp of Yale was more rigidly orthodox than Dr. Holyoke of Harvard. He had great notions of dignity and ceremony, and was a stickler for prayers and scholastic forms. All the tutors must subscribe to the Westminster Confession of Faith. At the same time, our young collegian's social position was less flattering to his self-esteem, and accustomed as he had been to sit above the salt at Harvard, it was humiliating to be placed in the middle of his class at Yale. But he adjusted himself to the new conditions, and to secure his honorary degree, studied the civil constitution of Great Britain, the forms of court procedure, civil and common law, military and commercial law, besides physics, anatomy, mathematics, and literature. Exalted by two college degrees, we can see him as he greets his friends in Norton at the age of twenty-six, a gentleman and scholar.

NEXT THE SOLDIER

Chapter VI

Adventures by Sea and Forest

I remember the black wharves and the slips,
And the sea-tides tossing free;
And Spanish sailors with bearded lips,
And the beauty and mystery of the ships,
And the magic of the sea.

LONGFELLOW.

Have ye heard of our hunting, o'er mountain and glen —
Through cane-brake and forest — the hunting of men?

WHITTIER.

WHEN Shakespeare introduced the soldier as one of his "seven ages," he did not necessarily mean a man who actually shouldered an arquebus to follow a tattered banner through Flanders, and be finally borne off on a litter, leaving one leg on the field of battle. He merely recognized the Hotspur age, when the venturous spirit of youth, scoffing at danger, burns to go forth to try its mettle in conquest of the world (which is himself). No further apology will be offered for these chapters on the soldiership of our heroes. Neither Paine nor Leonard went about seeking the bubble reputation in the cannon's mouth. No deeds of gore and glory by either are handed down to their posterity. Leonard did not march out to Concord Bridge with the redcoats nor did Paine go through the winter at Valley Forge. Yet both saw enough of the hor-

rors of battle not to jest at scars. Paine served as chaplain at Crown Point, in the French and Indian War, ministering to tomahawked and arrow-pierced soldiers, and preaching burial sermons over their graves. Leonard stood on a house-roof at Copp's Hill, watching a red line of British soldiers falling under the fire of the Provincial farmers behind the old rail fence beyond the river at Charlestown. That was as close as either came to the smell of gunpowder and the whistle of bullets. Leonard bore the title of colonel many years, though rather in a Kentuckian sense. Paine was a soldier of fortune.

Paine was better equipped to enlist in the navy than the army. The magic of the sea touched him in childhood, as he beheld the white sails coming and going in Boston Bay. Cape Cod blood running in his veins set the *Wanderlust* upon him. He longed to explore the seas in his father's vessels for gain or adventure, as well as to restore his fluctuating health.[1] In school-days, he had sailed along the North Shore as far as Falmouth and Pemaquid to visit ancestral property, and farther on to his father's branch office at Halifax. In his first trip to Carolina, though he passed the entire voyage of two weeks in his bunk, he reached port still manfully determined to master the art of

[1] He quit the sea with health mended, blood quickened, skin toughened, and nerves nourished.

navigation. On the return trip, having found his sea-legs, learned the ropes, and gotten his nautical bearings, he could resist no longer the call of the mermaids. The next year, 1753, the Boston "Centinel" announced that the sloop Dolphin (Captain Paine), with cargo of brick and staves, had cleared at the port of Boston. She was to bring back from Newbern, Carolina, a cargo of tar and turpentine. On this voyage an episode occurred. In a small pirogue named Moses, Paine sailed up the creeks inland, into the region of Raleigh's lost colony, and bought up casks of tar until he had enough to fill the sloop's hold. If charged more than he was inclined to pay for bringing the casks down in boats, Paine had an idea of forming a raft with rope coiled in the stern of his boat. The planters laughed, but a youth of twenty is fertile in resources. He strapped forty-four tar barrels in a raft and on high tide started them downstream. At first all went well; the casks kept in the channel as the ebb tide took them toward the sea. Paine stood at the stern of his boat, steering and directing the sailors at the thwarts. They floated down until slack water, when stumps in the creek became so thick they could make no headway. A hurricane set in, and before the next ebb tide, night was upon them; but the raft was still intact and out of danger. The lanterns being lighted for a warning, folks

along the shore could see them bobbing about all night; passing boatmen hailed the young captain with gibes. When morning broke, casks of tar were scattered over the stream like wild colts escaped from a corral. The tide was playing havoc with them, and from the shore men tauntingly inquired how he enjoyed rafting tar barrels. Shouting and cursing, the crew took boats for a round-up, pursuing each separate barrel. Three days later, the cargo was loaded on board the sloop, and Cap'n Paine turned in for a long-delayed sleep. That night four drunken "tar-heels" came aboard the Dolphin with malicious intent. The captain was aroused, and in his keen-edged nautical vocabulary ordered the boarders to clear. One of them hit him on the cheek with a black bottle, giving Paine a lifelong reminder of his trip. Twenty years later, when Josiah Crocker of Taunton came home from Philadelphia and told Mrs. Paine of seeing her husband there, the wife sat down and wrote: "I hear you have let your hair grow long and I suppose I shall not know you when you return. I hope the scar on your face will look the same."

Paine landed the tar barrels safely in Boston. Though the market was slack, and profits small, he took to the business and other voyages followed. Once he remained away for nine months, buying and selling commodities, and, incidentally,

deer-hunting with rice-planters' daughters. Time slipped by; he sent home letters intimating that "Sam Duncan's daughter" was making life pleasant for him, adding, "I sometimes think I should remain in the Carolinas if it were not on the borders of Purgatory."

When, the last of November, 1753, he came home and had sold his cargo to advantage, his wandering spirit prompted a trip to Europe. For several weeks he visited the wharves and searched the "News-Letter" and "Post" for a seaworthy vessel. At length, he heard of a sloop of thirty tons, the Hannah, which he chartered at twenty pounds a month. After scraping her bottom, tarring the ropes, salting the mast, and filling the *lazaretto* with lobscouse, hard-tack, "tongues and sounds," "salt hoss," and other delicacies of a sailor's "whack," Cap'n Paine secured an "Algerine Pass"; piped all hands on deck; asked a blessing on the trip, and weighed anchor for Carolina carrying a load of brick, meal, ropes, and pottery. He took along his father's negro slave, "London," whom he afterwards sold, for he was bent on business and had no scruple against the traffic in "human cattle."

A sloop does not require so large a crew as a schooner; but there is more strain on the mast, which gave excitement during the voyage and compelled a sharp eye for weather changes.

Thirty days after leaving Carolina, he sighted "phyall Light." Spending a few days at Fayal, he found no market there for his cargo and hoisted sail for Cadiz. Marching up the *Calle del Ruiz*, he stared at the strangeness of the sights, the tiny sidewalks, the iron grilles of the stone houses, through which señoritas "*sympáticas y graciosas*" were peering out and talking in musical cadence. He drank his sherry to the dregs; jumped away from the lizards which sprang from the trees and walls to his shoulders; went to bull-fights (leaving his strongbox with the English consul), and visited the churches to behold the marvellous paintings of Murillo. The *pesetas* and *Johannos* received for his cargo did not jingle long in his pockets. Turning his ready money into oranges, lemons, figs, and bottles of Madeira, he sailed up to England, giving the coast of France a wide berth, lest some French privateer should capture him under pretext of the hostilities then existing between the two countries. In London he bought a large repeating watch, now preserved in the Massachusetts Historical Society's collection. The colonial figures on its dial seem to speak of that wonderful city which would appeal to the mind of an American youth of twenty-four, waxen to impression—the London of George II, of Goldsmith and Fielding, Garrick and Sterne, Reynolds and Johnson.

No sooner had he reached Boston, greeted his

friends, and disposed of his cargo, than he must sail again, this time to the North Atlantic on a whaling voyage, patterning after his grandfather. He was master of the good ship Seaflower, and recorded this prayer as he left the wharves of his native town: "And so God send good success to the Seaflower and her company." He took aboard a harpooner at Provincetown, and was away all summer.

Again let us pause to look at Paine, now aged twenty-four, hunting whales off Greenland. In tarpaulins and billycock hat, beard half-grown, he gives orders to his crew. Spy-glass in hand, he mans the tiller, or from the rocking crow's-nest shouts, "Thar she blows." He orders the boats lowered away, the line paid out. His keen eye follows the harpooner as he hurls the toggle-iron. He is towed many leagues, often in danger of being upset. When the whale is made fast alongside, he superintends cutting the blubber and trying it out in vats on board. In the fall he returns with a fare of oil, whalebone, and ambergris, of which the lay gives him a comfortable profit.

The rough crew were hardly companions for the captain. On these voyages we imagine Paine sat much by himself, watching Mother Carey's chickens chattering in his wake, on the trailing meadows of sargasso, the playful dolphins, the

monster "leather-back," or flying-fish shimmering over the waves to fall helplessly upon his deck. He likely repeated the Latin proverb — "*Nunquam minus solus quam solus*," or after nightfall sang some favorite chanty, or better, hummed Addison's grand hymn to the stars:

> "Forever singing as they shine,
> The hand that made us is Divine."

At sea, in a raging storm, lashed to a mast or wrestling with the helm, as the lightning flashes, and seas rush over the deck (at any moment liable to be sent to Davy Jones's locker); then, if ever, the awakened spirit is aroused to prayer and a vision of eternal truths and begets the missionary impulse. After two years of deep-water meditations, and communion with the infinite loneliness of waves and stars, the clerical instinct implanted in him asserted itself. Did not the clergy keep the torch of enlightenment from flickering out? he reasoned. Was there not a vast company in every community who would rather say "amen" than think out problems for themselves? The minister was a leader, the inspirer of moral, social, and educational activities; he prepared youths for college; enjoyed the confidence and sympathy of emotional women; knew many family secrets; was granted a parsonage, where he welcomed donation parties bringing provisions, clothes, firewood, rings, and

gloves; was allowed the sacred privilege of pasturing his horse in the town cemetery, and continued forty, fifty, sixty years in the pulpit, sometimes until the Bible was pushed off the desk by palsied fingers.

So Paine came home from the sea to preach. His ancestors had fed on sermons. He was born with a text on his tongue; he had studied faithfully, and lived as a conventional Bostonian, "diligent in business, fervent in spirit, serving the Lord." Preaching was his hereditary calling; and the hopes of grandmother, father, uncle, and sisters centred on this. He had been acquiring the ministerial habit for years, but the final training was given by his mother's relative, Rev. Mr. Willard, at Lancaster, with whom he studied theology through one winter. Occasionally trying his powers in the neighboring pulpits, he presently secured a six weeks' charge at Shirley before the days of the Shaker invasion. The few people there were poor and had been attending church at Groton. They found it a hardship to ford Squannacook River in their Sunday clothes; consequently Shirley was set off as a separate parish in 1752. When Paine preached there in the spring of 1755, a part of the small congregation was obliged to stand, for the rude benches of the new meeting-house were insufficient for his audience.

He wrote:

I find my present church in the middle of thirty acres of scrub wood. Upon my appearance, the people, who were sunning themselves under the trees, repaired to the seats, and I preached with satisfaction to them.

Here again we see the youthful Paine, in white lappet and wristbands, blowing a horn to call his congregation together; preaching "satisfactory" sermons; bowing in prayer while the venerable deacons stand at the ends of the pews; and lining out the psalm from the Bay Psalm Book, "The tidings strike a doleful sound." As preacher he was one step higher in dignity and standing than as teacher. The transient title of "Reverend" was probably used chiefly by his sisters. We find no record that he was ever ordained. When he stepped from the pulpit, he demitted the title and such emoluments as the people gave their ministers.

Shirley and Lunenburg were on the "Crown Point Road," the old Indian trail from Boston to Canada. Paine saw the soldiers passing along this thoroughfare in the expeditions against French and Indians, and was infected with the military contagion so prevalent in the rival colonies. In the summer of 1755, a large fleet left France with soldiers for America to renew the contest for this continent. Interference with the fisheries was sapping the life-blood of New England. The French,

erecting a series of fortresses from Quebec to New Orleans, had aroused the enmity of the seaboard English toward them.

A colonial conference had been held at Albany in 1754, upon the initiation of the far-sighted Franklin, to prevent the French from uniting Canada and New Orleans. At a conference at Alexandria, in the summer of 1755, it was resolved to reduce Forts Duquesne, Niagara, and Crown Point. Baron Dieskau was in command of the French Canadians and Indians who were coming down through Lake Champlain. Among three thousand colonial English troops joining in an expedition against the French and Indians were John Stark, Governor Shirley, "Old Put," and Timothy Ruggles. One regiment was under Paine's relative, Colonel Samuel Willard. The young parson was eager for adventure and schemed for a military chaplaincy. In August, 1755, while at Shirley, his wish was realized:

To Robert Treat Paine, Gent'n, Greeting.

Reposing especial Trust and Confidence in your Loyalty, Piety and Learning, I do by these presents, constitute and appoint you, the said Rob't Treat Paine, to be chaplain of a Regiment of Foot, under the command of Col. Samuel Willard, being the forces now raising for reinforcing the Troops against Crown Point, of which Major General Johnson is Commander-in-Chief.

You are therefore, carefully and diligently to do and perform the duty of Chaplain to the said Regiment, by your Public Prayers, Preaching and Private Exhortation, visiting the sick, and in all things as becometh you; and you are to follow such orders and instructions as you shall from time to time receive from the Commander-in-Chief of the said expedition, or other your superior officers, for which this is your warrant.

Given under my hand and seal at Cambridge this 8th day of August, 1755, in the 29th year of His Majesty's reign.

S. PHIPS,
by T. CLARK, Dep. Secretary.

The appointment received, Paine departed the first of September, 1755, to be a part of the army life for four months, and possibly to enjoy, at Albany, the company of the Van Rensselaers, Schuylers, Livingstons, and others, to whom his standing might give him introduction.

To those who thrill with the memories of camp-life — the romance of sleeping under star-lighted skies on balsam boughs; fishing for bass and wall-eyed pike; cooking rabbits and quail in skillets over fagot fires; fighting black flies and mosquitoes; skylarking through the night; contracting chills and fever; and foregoing improved domestic conveniences of civilization, — the luck of this adventurous youth seems enviable, as he starts

off to join that memorable expedition in which he found novelty, excitement, and service. The lakes and mountains of this Vermont valley constitute a scenery as romantic as any in America. It was bounteous in its physical gifts then as now.[1] To Paine's joy in camping-out was added a spice of danger. Savage shrieks and war-whoops came ululating across the lake, piercing the stillness of the night. There was always danger of sudden ambuscade, and of being burned or eaten by furious red skins. It was impossible to restrain the savages within the rules of civilized warfare. Prisoners on both sides were made away with as an economic measure. The English commander-in-chief was Sir William Johnson, a fine, wild Irishman who had lived many years in the valley of the Mohawk as a chief. Dancing the war-dance, talking readily in the native language, figuring as the groom in several interracial marriages, he had acquired great power.

On the first of September, 1755, Paine, with musket and blanket, mounted his war-horse, and set out on his crusade, singing the mighty songs of Zion. Colonel Ephraim Williams, founder of Williams College and commander of the New

[1] The Mohawks, who frequented it, were of such physical perfection that once a hasty, unthinking, provincial New Yorker, travelling in Rome, exclaimed, as he looked upon Apollo Belvedere, "By Heaven, a young Mohawk warrior!"

England troops, wrote home during the campaign:

We are a wicked, profane army, especially the New York and Rhode Island troops. Nothing to be heard among a great part of them but the language of Hell.

Prayers, sermons, and psalm-singing were confined chiefly to the Massachusetts soldiers. Paine arrived in time to bury the dead after the engagement in which Baron Dieskau was severely wounded and Colonel Williams killed. The experience of this excursion is told in a whimsical, abridged letter, suggesting an acquaintance with Dean Swift and Rabelais, which the young minister sent home in November, 1755:

About the latter end of summer, I sat out accompanied with some persons of quality, each one properly accoutred with firearms and blankets. I shall not trouble you with occurrences near home — every one meets with them — but after a travel of some days we came into a fine country, where the earth was covered with produce not indebted to ye labor of ye husbandman. The highways through this country are laid out in a very spacious manner, being in most places 20, 30, yea 100 feet wide, and in many places very plentifully paved; but the country being new, the paving work seems not to be completed, for so many places the rich fat soil proves very offensive to the foot of the travailer; however, there is

abundant provision for water, which is so situated that a foot-traveler cannot avoid washing himself. After a long travel, we came to a city so extraordinary it deserves the minutest description. We arrived about dark and took quarters at a friend's house for some considerable time. This wonderful city by enquiry I learned has not been long known to our part of the world, yet has very lately settled a considerable correspondence that way. 'T is very secretly seated between two long ranges of lofty mountains, capable of being discovered by none distant except the sun, who in his meridian altitude peeps through the clouds of smoke and sulphurous vapors that frequently overhang this place. It stands at the head of a long narrow lake, whose stagnant waters afford but a livid prospect; 't is said by some that it leads directly to Purgatory at the other end, and so one would think to see the innumerable ferry boats which we have prepared to waft the inhabitants forward. The land here is not tilled, though it is excellently manured, they raise no provision but have it transported from other parts that at times you would think you were in Lubberland and again that you were on a maroon island. The no. of inhabitants it is impossible to tell, as, for like the Ocean 't is perpetually changing without any sign of stability. The inhabitants I observe are chiefly males, for 't is said the women that come here all turn to men immediately, so that this place seems to put on opposition to the land of the Amazons, and as they mark themselves by cut-

ting off the right breast for the convenience of shooting the bow, these are no less remarkable for cutting off natural affection for the convenience of living careless lives.

Upon my first arrival, I found only a small tract of abt 22 acres compactly settled and the inhabitants strictly confined within these narrow limits, but after a while the strangest phenomena appeared that has ever been heard of since the men that were produced from the serpent's teeth. Multitudes seemed to be produced immediately — whether 't was the clouds, the lake, the fog, or the earth that swarmed forth inhabitants 't were hard to tell, they pitched their residence somewhat distant from the old city, when Nature, that spontaneously produced men seemed as fertile in habitations. In the course of one night whole streets of houses would spring up out of the earth and the rubbish of the wilderness rise up into beauteous towns. So that in a short space of time a new city was found exceeding in cleanness and nearly equal for numbers to the former. But who can describe the various accomodations and conveniences of living used in this place? in one part you might behold rows of habitations appearing like whited sepulchres, the same stuff that among us proves fatal to villains, here screens them from trouble; in another place you might see a cave or hole in the rocks; some huge poles of brush and dirt served to fend off the cold and rain — others had long rows of buildings that much resemble our meeting-house sheds; but the better sort of

people have houses built according to certain rules of architecture in practice here; the doors are low and the roofs level, some spread them with hides and sheep-skins, though others neglect it for the benefit of the light — their windows are made lengthwise and some reach from side to side; there are very few that wainscot, paper or plaister their rooms, by reason they prefer the pine scented balsam their timber affords. Their lodging is various, some using an artificial couch and others preferring the feathers the land produces, so that truly may it be said of some that their houses are fir and their bed is green. As for their food, they go much on roast meat, and therefore, they are generally provided with spits which some hang on a part of their apparel. Others again eat a sort of bread called by them *allowance*, which is a medley of almost everything, and agrees well with their constitutions, but when any of the parts are wanting, especially some that are called essential, it produces strange effects, breeding flatulency in the bowels, maggots in the brain, delusion, distraction, strange volubility of tongue and disaffection among intimates. As for their apparel, that likewise is very various, tho' there seems to be no standard which, different from other parts of the world, is inimitable. 'T is customary for men of dispatch to have their Hatts shod with gold and silver (that being an article they have no other use for here) in order to cut the fog and smoke which would otherwise much impede their passage. Some wear long tails to their wiggs, wh is found very beneficial

here to steady their heads; there are some few such enemies to dirt (the natural product of the place) that they continually carry their towels near their hands. There is one particular which I could not determine, whether it was peculiar to their Bodies or whether it was part of their apparell and that is a large horn generally growing on the right side. 'T would be natural to think it a real part of their body if it grew on their heads, but it is generally thought by strangers to be an excresence, for upon examination they are found to contain a sort of black, subtile penetrating powder no ways akin to their constitutions, tho' some have said that this is their brains, and because it is observed they have another instrument of strange form and composition with wch only they hold arguments and disputes; and 't is seen that when they use them they put this powerful Trade into it which renders their argument very penetrating and when they argue matters of consequence they add a small leaden composition, taken from a neighboring receptacle to this brain, wh often renders their arguments decisive & hence 't is inferred that leaden brained men are most suitable inhabitants of this city. Everything here is done by the sound of bells, but then they are different from ours, being a composition of wood and leather and are carried about for various uses; early in the morning you'll hear them sounding all about, upon which the inhabitants begin to muster; ab't an hour after, they sound again at stated places, upon which there walks out one of a different garb from all the

rest. I should not have judged him an inhabitant, or anything but a deity here, and after standing a while in ye stated place, ye people gathered about him, he stood a while and said something, but by comparing his looks with that of the bystanders, I could not make out what he was after. By the sound of these bells you see them moving back and forth, great numbers of them moving on to a certain place, where 't was said they were employed in work of great importance. I went with them and saw a large pile of dirt and wood wh the people were tumbling and tossing about, which resembled a Pismire's hill the nearest of anything, for 't was said they proposed to lay up food there for the winter. This seemed to be their chief employment, except some that stood at distance round them to give notice of the appearance of any enemy.

This expedition against Crown Point was a failure. The enemy might have been whipped in open battle, but cold, disease, and hunger were more than a match for Sir William Johnson's ill-equipped, ill-fed army. Many deserted when November winds began to chill their bones. The army broke camp in December and retreat was sounded till a more auspicious season. Paine left his relative, Samuel Willard, buried on the field of battle, and, after stopping over at Springfield to take part in the wedding of a college friend, arrived in Boston on New Year's Day. Those

four months of life with an army in the mountains had a new influence upon him.

We do not hear more of Paine as a clergyman (though he continued to look like one), and was always thereafter a prominent figure in the "Amen Corner." His was a religious life. He followed beaten paths until he began to think for himself, when he developed a strong tendency to individualize. Only for a few months as an officer of the established church did he feel responsible for the beliefs of others; as layman, his own beliefs expanded with his political views. His temperament was not adapted to the staid sobriety of the cloth. A doubt arose as to whether he was made for the orthodox pulpit when he read Bolingbroke, Hume, Gibbon (especially his twelfth chapter), Voltaire, and Diderot. As with John Adams, the doctrines of Calvinism seemed harsh to his reasoning mind. He was suspected of Arminian leanings. Fate had other work for him, or he might have spent his days as a respectable, conventional, well-to-do parson of the eighteenth century, with his name long since drifted quietly down the harbor of memory out into the sea of oblivion.

Soon after Paine's return from Crown Point, Colonel Washington, fresh from Braddock's defeat on the Ohio, came up to Boston (which then covered 780 acres, not so large a territory as

his brother's plantation at Mount Vernon) and stopped at the Cromwell's Head Tavern, a few doors from Paine's home on School Street. Presumably, Colonel Washington and Captain Paine exchanged their experiences in the recent campaigns, and commenced a friendship which, ten years later, was renewed on a more important occasion.[1]

[1] Parson Weems records that the only person who ever got the best of Washington in personal combat was a man named "Paine." But that was at Alexandria.

Chapter VII

A Family of Colonels

You may relish him more in the soldier than in the scholar. — *Othello.*

A THIRST for military glory is the vice of the most exalted characters," declares the historian Gibbon. During the ambitious days of the Civil War, Artemus Ward referred to a regiment composed entirely of colonels, save a single private. The title of colonel sat jauntily on a Leonard. In the first hundred and fifty years of New England's history, when the law obliged every man to keep by him flintlock, knapsack, and ammunition (being subject to military duty), the colonel of the regiment competed with the parson as the foremost citizen. The Leonards, in their fondness for office-holding, did not overlook these military positions; nearly every head of this family held some sort of martial rank; James was exempted from service in 1662, being a "bloomer" who made iron implements of warfare. Ensign Leonard paid his soldiers in bar iron after Philip's War. Thomas Leonard was captain of the First Company in 1691; James, first lieutenant, and George, captain. Thomas, in 1709, was appointed major, by which title he was distinguished from his son — Colonel George.

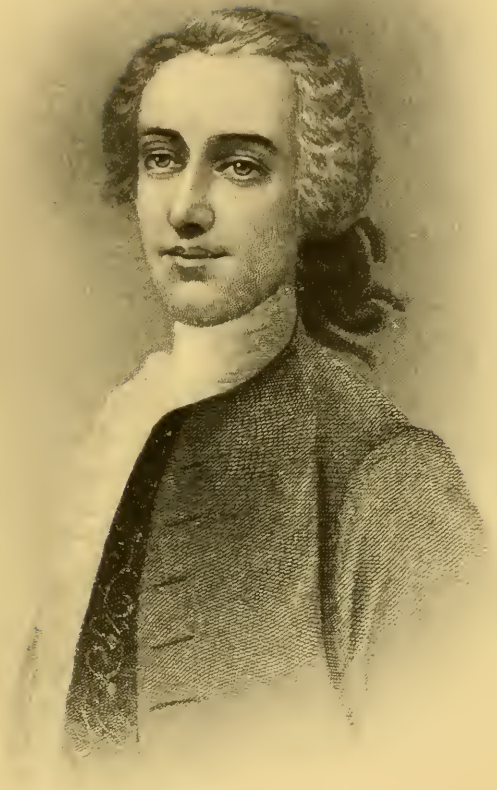
Ephraim, son of the major, became colonel in 1757; in 1772, his son, our Daniel, was elected lieutenant-colonel of this regiment and known as "Colonel Leonard" until, in Bermuda days, he exchanged this title for "Judge." The field officers of the Taunton Regiment in 1762 were: Samuel White, colonel; George Leonard, lieutenant-colonel; Thomas Mowry and Seth Williams, majors. In 1772, the field officers were: George Leonard, colonel; Daniel Leonard, lieutenant-colonel; George Williams and Apollos Leonard, majors.

Every boy instinctively plays "soldier," more particularly when the son and nephew of colonels. The glitter of military glory naturally appealed to Daniel, who, as a boy, attended the muster of the trainbands and followed their manœuvres studiously. As George Washington, in youth, drilled and marshalled his play-fellows about Fairfax Court-House, so we see Daniel, imitating his elders, holding miniature reviews on muster-day behind the horse-sheds at Oakland, Norton, or Taunton Green, passing the countersign and leading his boy brigade, armed with brooms, hoe-handles, and cordwood sticks, and topped with paper helmets, as they march, "hay foot, straw foot," about the field or charge helter-skelter into a flock of sheep, or the fruit trees of a neighbor's orchard.

Washington, honored for his brilliant conduct on the Braddock retreat, coming to visit Governor Shirley in 1756, aroused enthusiasm for war among the rising generation. Daniel was sixteen, when that serious-minded young Virginian visited Boston. Colonel Washington was a commanding figure, in his uniform of buff and blue. Some older person often seems to be the realization of unfulfilled ideals, and let us imagine young Leonard, about to enter Harvard, filled with emulation at the sight of the illustrious Southerner.

The pomp and circumstance of war especially charm a youth in his teens. While at college, the story of Wolfe at Quebec fired the students to form military companies. By virtue of his class rank, to which attention has been already called, Daniel was second in command of the "Harvard Fencibles," who exercised much as the High School Cadets do now, parading once a week upon the Common. Fresh from classic studies he marched around Cambridge with visions of Cæsar exhorting his legions in Britain, or Xenophon leading the Ten Thousand back to the Hellespont.

During his legislative career, he was elected lieutenant-colonel of the local regiment, Governor Hutchinson nodding assent. Leonard, who was his father and grandfather polished up, naturally sought this position, since so many of his own



GOVERNOR THOMAS HUTCHINSON

family and connections were officers. In his early thirties, he makes a bright picture in his scarlet coat, buckskin breeches, nankeen waistcoat, silver-hilted sword, and white-topped boots. We can see him as he deploys the platoons of militia around the Green at the summer muster, while the "women folks" stuff tow in their ears to shut out the "horrid rattle of the drums"; or as he visits the temporary booths to purchase the muster refreshments of gingerbread and new rum; or gallantly offers his snuff-box — "If you please, my lady" — while a curtsey is dropped in answer.

As the Revolution came on, the Leonards were divided in allegiance — the townsfolk whispered that it was to preserve their property, on whichever side the fortunes of the war should fall. When Daniel was besieged in Boston, he was not listed among the officers of "The Royal American Associators" (as the regiment of gentleman volunteers under Brigadier Ruggles was called).[1] When Washington tightened his siege-lines, in the winter of 1775–76, Leonard was drafted in Boston among several thousands who saw no service, for General Gage raised the siege by flight. Apparently Leonard lacked heart to take arms

[1] These troops drilled every morning on the Common, wearing white sashes on the left arm to distinguish them from the King's Regulars.

AND THEN THE LOVER

Chapter VIII

Hanging the Shingles

I never was ruined but twice; once when I lost a lawsuit and once when I gained one. — Voltaire.

THE same Emerson who had complained of being a "victim of miscellany" gave these hints to a young man seeking his counsel: "Teach a little, farm a while, drive a tin-peddler's cart a season, keep store, go to Congress, preach a year, and lead the experimental life." Paine's life was so "experimental" that a critic, surveying his variegated career, might have feared his drowning in the waters of Unstability. His spirit was ever fluid and moving; his hungry brain biting into every phase of existence. Forestalling Emerson, he taught a little, preached a little, and went to Congress; his farming was on a scale too small for great financial loss; instead of the corner grocery and peddler's cart, he went trading on the high seas and harpooning whales; with Yankee adaptability, he carried a transit and chain as surveyor; mended clocks, dabbled with chemistry, and finally rested in the lap of the law. Thus mixing with men and keeping his eyes open, his mind was reacting to different stimuli and all the while building upon itself as he came to learn the Universal Laws. When he

signed the Declaration his name stood for well-rounded experience.

Reared in a family not only above want, but wealthy enough to be envied, the boy grew up with prospects of a place among the well-to-do. In the year that he was graduated from college the tide of fortune ebbed, and left his father stranded on the beach of Poverty. This fall to penury from plenty, he met courageously. To bridge over the hard times, he first sought a position as teacher, an employment profitable to youth in gaining knowledge of human nature, habits of patience, concentration, self-control, and familiarity with platform speaking. In teaching others, he was teaching himself. A graduate of the Latin School, and living next door, he readily secured a position there as usher in the year 1750, for which service the town of Boston paid fifty pounds a quarter.[1]

[1] Oliver Goldsmith, a year older than Paine, was graduated from Trinity College and afterwards became an usher there. His experiences he utilizes in the "Vicar of Wakefield":

I have been an usher to a boarding-school myself; and may I die by an anodyne necklace, but I had rather be an under-turnkey at Newgate! I was up early and late; I was brow-beat by the master; hated for my ugly face by the mistress; worried by the boys within; and never permitted to stir out to meet civility abroad. But are you sure you are fit for a school? Let me examine you a little. "Have you been bred apprentice to the business?" "No." "Then you won't do for a school." "Can you dress the boys' hair?" "No." "Then you won't do for a school." "Have you had the small-pox?" "No." "Then you won't do for a school." "Can you lie three in a bed?" "No." "Then you will never do for a school." "Have you got a good stomach?" "Yes." "Then you will by no means do for a school."

Paine left the Latin School in 1750, and the next winter went to teach a school at Lunenburg. Rattan well in hand, he stood his ground and chased the unruly pupil over and under the benches or out of the window if need be. After two sessions with ferule and primer, he concluded that he might better make his way in the world by shipping in one of his father's vessels. His three years of maritime wanderings and his transit of the pulpit have been given in the chapter on adventure which ran somewhat ahead of our story to conform with the Seven Ages. Robert combined a study of law and gospel under Samuel Willard at Lancaster, followed by a year of law under Benjamin Pratt. In 1750, there was lingering doubt as to the law being a holy calling, though the making of an attorney was something akin to the making of a minister. The youth was apprenticed to some popular justice who usually had one or more fledglings under his eye. In lieu of copying sermons and hymns, studying concordances and catechisms, the tadpole lawyer copied writs and leases, and burned the tallow dip over Coke and Littleton, Hawkins's "Pleas of the Crown," Justinian's "Institutes," and Sackville's Reports. He was called on to sweep and dust the library, harness the horse, brush boots, shovel snow, weed turnips, chop wood, and perform a thousand petty disagreeables of life, which, however, were sweet-

ened by surreptitious love-making with the master's daughter. The very week of his admission to the Boston Bar, in May, 1757, Paine's father died insolvent; and he found himself, aged twenty-six, the head of the family and worth less than nothing.

Death brings about a readjustment of affairs. The young man at once made plans to liquidate his legacy of debt. His eldest sister was now married to a distiller, which insured her ample comfort, and his younger sister was the only immediate connection looking to him for support. The disposal of property at Falmouth, which had come by his grandfather, required him to spend some time there, attending to business, but looking in vain for additional practice.

In the year 1758, John Adams chronicles a doleful colloquy of Paine and Quincy:

Bob Paine: "I have ruined myself by a too eager pursuit of wisdom. I have now neither health enough for an active life nor knowledge enough for a sedentive one."

Josiah Quincy: "We shall never make your great fellows."

Thus Paine and Quincy both are verging to despair.

Paine: "If I attempt a composition, my thoughts are slow & dull."

Paine is discouraged, and Quincy has not courage

enough to harbor a thought of acquiring a great character. In short, none of them have a foundation that will support them. . . . Paine's face has lost its bloom, & his eye its vivacity & fire; his eye is weak, his countenance pale, & his attention unsteady; and, what is worse, he suffers this decline of health to retard & almost to stop his studies. . . .

Paine (to me): "You don't intend to be a sage, I suppose?" Oh, Paine has not penetration to reach the bottom of my mind. He don't know me; next time I will answer him, & say; "No, Knowledge enough to keep out of fire and water is all that I aim at."

Seeking new fields, he now looked toward the home of his paternal ancestors, as before he had gone into the neighborhood of his mother's people to teach and preach. Taunton was the foremost town of southern Massachusetts; there he stopped to bait his horse on his way from Boston to Barnstable. In June, 1755, Paine came down to a muster with Gordon Chandler (whose daughter married a Leonard), and visited his college friend, George Leonard. In March, 1758, Paine and Dick Cranch rode down to Taunton, attended the Inferior Court, ate breakfast with Squire White, and were greeted with curtseys by his charming daughters. As the young men rode home and talked over the outlook for lawyers, Paine thought how fine it would look to hang his shingle under

that of Squire White, and the rosy future was brightened by the eyes of the daughter, Anna. Squire White, formerly living in Weymouth, had been fitted for Harvard by his pastor, Rev. Thomas Paine, Robert's father.

Transplanting is usually beneficial. To remain root-bound in one's birthplace, enslaved to fixed conditions, forbids expansion. The acorn sprouting under the shade of the parent oak is spindling; the acorn carried by the blue jay to the open field grows stalwart. In the new environment, not only must the newcomer struggle to keep his head above the water of competition (which brings into action all his latent powers), but he is also freed from the handicap of village gossip peddling abroad the mistakes of youth.

Paine, bringing his Boston training into the rural town, began to thrive. His first case in Bristol County Court-House grew out of litigation over land left him by his father in Dartmouth. After a while he kept a horse in Dr. McKinstry's pasture, and with saddle-bags and legal books he would ride about the country, to Quaker meetings and turkey suppers, or bait his horse at the homes of men who might become his clients, or some day send him to Congress. From his diary, we find him dining with Chief Justice Hutchinson at Milton, with Judge Oliver at Middleboro, Nathaniel Ray Thomas at Marshfield, Colonel

Doty at Stoughton, Mr. Edson at Bridgewater, Edward Winslow and Colonel Watson at Plymouth, John Rowe in Boston, and with other distinguished citizens at Providence, Newport, and Barnstable. This exercise on horseback gave him a wholesome view of life; it was good for his liver. With the birds singing in the trees, the rabbits bobbing across the highway, quails piping in the meadow, his lungs full of ozone, and quick blood thrilling his whole body, he rode out of melancholy into gladness. And he was able to save a pound sterling now and then to send to sister Eunice. The law did not absorb all his time; to piece out, he became Surveyor of Highways, and had a job when Colonel White indicted the town for maintaining a menace to public safety by neglect of Neck-o'-Land Bridge. Soon the sun began to shine with new brilliancy for the young barrister; clients multiplied.

Among the notable cases discussed by lawyers during Paine's early years in Taunton was the trial in 1761 of the slave, Peggy, a spinster of Swanzea, who drowned her two children, Violet and Cato. In 1762, "Seth Cooper did challenge advisedly, wickedly, and corruptly Benjamin Marvel to fight a duel," for which he was convicted and fined.[1] In

[1] A letter written in 1762 by Jonathan Sewall, Attorney-General of the Province, to his college friend, Paine, and the amusing reply, mirror men and matters then uppermost in the

1763, Henry Crossman went to Swanzea and came home with another man's horse, for which he was set on the gallows with a rope around his neck, whipped ten stripes and compelled to pay three times the value of the horse (£27). Publicity of punishment had not been abolished. Frail and betrayed women were punished at the whipping-post and exposed to the gibes of town loafers. In 1764, when execution of judgment was summary and

public mind and recall half-forgotten incidents to the students of the Revolutionary period.

Brother Bob, — Pray be so kind as to deliver the enclosed [probably a legal document] to a *Catch-pole* [a constable]; and when you can give me an opportunity to cancel the obligation, please to command me freely; your hearty friend, &c. — How is the harvest in your part of the vineyard? Which side do you take in the political controversy? What think you of coin? What of writs of assistance? What of his honour, the L—— ——? What of Otis? What of Thatcher? What of Coke, the cobbler? What think you of bedlam for political madmen? What think you of patriotism? What think you of disappointed ambition? What think you of the fable of the bees? What —? Send me your thoughts on these questions, and I will send you fifty more.

Jonathan Sewall.

Charlestown, 11th Feb., 1762.

Friend Jonathan, — I have just received yours, and shall take, special care of the enclosed. Your queries demand an immediate answer, in which I hope you will find a satisfactory display of the orthodoxy of my mind. To first query, I answer, the old account is reversed, for the harvest is small and the labourers are many, and there are many little foxes that spoil the vines. To 2nd query, I reply the *right* side. To the 3d question, I say, what hungry men do of food, if they can get any, never dispute the quality or the price. I reply to the 4th inquiry, never was more need of them; I shall soon apply for one to get me a *help-meet*. Question 5th: What of his honor, the L. G.? I answer, as the son of Sirach said, all things cannot be in vain, because man is not immortal — what is brighter than the sun? Yet the light thereof faileth. What of Otis? Answer; what the virtuosi do of Lemory's concave mirror, which *burns* everything which cannot be melted. What of Thatcher? Answer:

each lawyer his own justice, this legal item bears witness that Paine's abhorrence of profanity in college was not outgrown.

1764 20th February.

In the fourth year of his Majesty's reign, Thomas Tobey was convicted by his own confession of swearing two profane oaths in the town of Taunton, and was sentenced to pay four shillings for the first and one shilling for the second. Before me.

ROB'T T. PAINE (*Jus Pac*).

There were frequent cases of smuggling, and other attempts to evade the revenue laws, in which Paine appears as counsel. In 1765, the Stamp Act alarmed the legal fraternity. Paine, in his journal, wrote November 1, 1765, "A dark, de-

as Jacob said of his son Dan, as a serpent in the way he biteth the horse's heels, so that his rider falleth backward. What of Coke, the cobbler? That he is dignified with a title which many others deserve more. What of bedlam for political madmen? It will by no means do; being already occupied by madmen of a more *sacred* profession. What of patriotism? As I do of the balance master's art, very few have virtue enough, in the Roman sense, to keep themselves perpendicular. What of disapointed ambition? Consult your own mind, on having *no* reply to this question. What of the fable of the bees? It proves that good old word, the wrath of man shall praise the Lord. Last question, What —? It is the recapitulation of all the others. Thus I have gone through my catechism, and according to the good rule of education, the next step is to learn it with *proofs;* in which I shall hardly fail of success, if I keep to that standard. As for the fifty questions more with which you threaten me, I beg when you execute it, you would observe a modern rule of answering them yourself as you go along; in the mean time conceive yourself obliged to answer these small queries. What think you of our —? of our Act? — of what strange compound, soul and body? and of mankind? Expecting to see your agreeable Democritical visage, I subscribe, your fellow-gazer and friend,

R. T. P.

structive fog at dawn as if Nature mourned the dreaded day." [1] Betting was not carried on in pounds and shillings with carefully calculated odds, but a turkey supper would be put up against a hogshead of rum. A suit was brought to court on which a loser declined to pay his wager. The court held that only private honor could compel payment of such a debt.

Barristers were the highest rank of lawyers. In 1768, there were twenty-five in Massachusetts, of whom the three in Bristol County were Samuel White, Robert Treat Paine, and Daniel Leonard. Legal pickings in Taunton could not supply a living; so together they rode on their circuits, seeking clients in Plymouth, Barnstable, Providence, and attended celebrated trials in Boston. While friendship might cease among the litigants when their case came into court, the counsel often grew better friends thereby. Paine and Leonard would strive mightily, argue vehemently, and after the session laugh and empty their glasses together at the bar of Bacchus.[2]

[1] Some lawyers were discussing the gloomy outlook at a tavern, when one dejectedly asked another, "What are we going to do now?" "Guess you better go to making brass buckles," interpolated the tavern-keeper, "as the raw stock won't cost you anything."

[2] If you would see how Paine or Leonard appeared as young lawyers, examine closely, in Reid's painting in the State House "Otis arguing the Writs of Assistance," the group of attorneys in the background.

YOUNG BARRISTER PLEADING BEFORE SUPREME COURT OF JUDICATURE

At one time, Paine and John Adams were opposing counsel at Martha's Vineyard, where the Mayhew family feud had become so shameless, it seemed to the visiting "off-islanders" that all "virtue, honor, decorum, and veracity" had fled to No Man's Land.

Paine conducted a case in 1769, for Copley, the artist, who had become involved in a suit of long standing concerning a parcel of land on Beacon Hill, now occupied in part by the Somerset Club. What a pity that the then poor artist did not liquidate the lawyer's fee by painting Paine's portrait! But although Copley was making portraits of Revere, Adams, and Hancock at about that time, Paine did not realize how he was missing an opportunity of shining in art museums of later centuries.

Since the founding of Taunton, it has seen but three executions for murder. The most noted was during Paine's early days there. On the morning of June 4, 1763, as Elizabeth, sister of Dr. McKinstry, stooped to kindle the fire on the kitchen hearth, she was struck on the head with a flatiron and horribly mutilated with an axe, by a frenzied negro boy named Bristol. The murderer fled to the woods, was tracked, by a posse organized for pursuit, to Rehoboth, Swanzea, and Providence, and finally, after three days' chase, was captured in Newport, where, amid the numer-

ous colored population, he had tried to conceal his identity. It was said he had been induced to believe that he could secure his freedom by killing one of the family. He laid the whole affair to the tavern-keeper's negro; but was overcome with remorse and repentance.[1] The indictment read: "Bristol, servant of William McKinstry, not having God before his eyes, did assault one Elizabeth McKinstry, in the peace of God, &c." He was convicted and sentenced to be hanged. The execution was set for November 1. Paine, as

[1] Paine was coming down to Taunton when the news reached him of this tragedy. In a letter to his sister he says:

The fact was committed on the morning I left you. I heard the news as I entered Taunton and you may well think I was received joyfully at the house, which I found full of curious spectators, confusion, anxiety, and distress — she was living senseless — Dr. Tobey came and pronounced her wounds fatal — in the evening she died. The burthen of everything lay upon me — some things I must wait here till I see you. Five o'clock the next morning the coroner called to direct me to take the inquisition. About four o'clock Bristol, who had been taken at Newport, appeared, sullen, denied the fact as it was committed, and has since most penitently confessed to me and many others the fact, nearly as I exprest it in the newspaper, and said he had never had any anger against her, that she never treated him ill.

Paine, being intimate in the McKinstry family, took a responsible part in the conduct of the funeral. He speaks of the ceremony as follows:

On Tuesday she was most decently interred, the largest and best regulated funeral in the country, six scholars her bearers, I one. There is nothing more particular that I can recollect amidst the incessant interruptions of court week. The Doctor extremely affected, but very decent; poor Mrs. McKinstry worked up into high hysterics; I was obliged from principles of humanity, with the assistance of her friends, to go inside and work up a most labored cheerfulness to keep her from fixed distemper.

his counsel, pleaded "benefit of clergy," [1] and secured a reprieve of two weeks from Governor Bernard. As there was a lurking suspicion that a negro had no soul to save (an opinion held also by some in earlier ages in regard to woman), this act of Paine's seemed especially humane.

The epitaph of the woman reads:

Here lies ye body of Elizabeth McKinstry, basely murdered by a negro boy, June 4, 1763, aged 28. "Watch for ye know not the manner nor the moment of your death."

One minister and one doctor will thrive in a small country town; a lone lawyer may cleave the air in vain, when two would clip as merrily as a pair of sheep-shears.

You ask me why lawyers are so much increased,
Tho' most of the country already are fleeced?
The reason, I'm sure, is most startlingly plain:
Tho' sheep are oft sheared, yet the wool grows again.
And tho' you think ever so odd of the matter,
The oftener they're fleeced,the wool grows the better,
Like downy-chinned boys, as oft I have heard,
By frequently shaving obtain a large beard.

[1] In old English days, a law was passed intended for the immunity of ministers, by which all who could read might receive judicial clemency in mitigation of punishment. As a matter of usage, any one who was so accomplished as to read his own name, had opportunity to claim what was termed "benefit of clergy."

So long as the passions of envy, hate, malice, and greed dwell in the human breast, so long will lawyers turn these passions to account for their mutual emolument. The two blades of the local shears in 1770 were Paine and Leonard.

We imagine Leonard, about to descend into real life from the college Parnassus, was puzzled what career to choose. To be a doctor and know every ill and scar covered by the gay apparel of his fellow-townsmen; to be a minister and know the haunting fear, timid doubt, and heavy heartaches concealed under the forced smile; to be a lawyer and know who were writing wills and mortgages, who were to be residuary legatees, who were in financial troubles, who were seeking petty vengeance; — there was a three-horned dilemma. He could look over the careers of a number of kinsmen who had acquired college degrees. His uncle, Nathaniel, had studied for the ministry; so had his cousin, Abiel, who graduated in the class of 1759. His cousin, George, graduating in 1748, became a lawyer. Another cousin, Thomas, seemed to be the only one in the family with a taste for physic.

Opening his eyes to the ways of the world, Daniel perceived that while a barber had a fixed price for dressing a cue, and a farm-hand a fixed wage for a day's work, the lawyer took all he could get, ate three good meals a day, wore fine

clothes, rode in chaises, and commanded men's purses and votes. He could absorb wealth without creating it. For a hundred years after the settlement at Plymouth, there were no distinguished lawyers in the colony, though "common-sense justices" were found at almost every cross-roads. Then the call of the times was for constructive lawmakers, who could debate the fundamental issues on which a mighty nation was soon to rest.

On leaving Cambridge, Daniel returned to Norton with an air of some importance. The fame of his fine Latin oration at Commencement gave him high standing, and at twenty-two years old he was chosen a selectman. This office was a sort of heirloom, his grandfather, father, uncle, and cousin having served their terms.

Daniel had notions of being a gentleman, holding office, and gaining wealth by absorption, rather than extracting it from the soil as his ancestors had done. He went to Boston, studied the law a while, sketching the profile of Nancy White on the margins of his big sheep-bound books, and was admitted to the bar in 1766. He soon found that his native town had grown too small for him; there was little hope in lawyer-ridden Boston in competition with such men as Otis, Quincy, Sewall, and Adams; the shire town of Bristol County seemed the logical starting-point for a career, and

near Taunton Court-House he hung his shingle. It was not long before he was engaged in an important case dealing with the laws of contract — a contract between two parties inclined to matrimony.

Chapter IX

A Belle of Taunton

Hers was the subtlest spell by far
Of all that set young hearts romancing.

PRAED.

IN an account book of Colonel White an entry, in the summer of 1756, reads: "Loaned four dollars to Dan'l Leonard on account." This item not only reveals a close intimacy of young Daniel with Colonel White's family, but his borrowing propensity suggests that he was qualifying as a traditional Harvard freshman. Colonel Samuel White held a license for a tavern, or ordinary, as these houses of entertainment were called in the provincial period. Soon after graduating from Harvard, in 1731, White, a student of law, was appointed deputy-sheriff and came to Taunton to marry Prudence, daughter of Samuel Williams, grandson of Richard Williams, whom antiquaries have styled the "Father of Taunton." There were various lawyers who did business incidentally, as justices; but White was the first out-and-out lawyer in Taunton to dislodge the idea that the law was an unrighteous profession. He was made King's Attorney; his father-in-law had been in the legislature eight terms, but he was sent eleven sessions; served as Speaker of the

Assembly three terms, and in 1765 signed the protest against the Stamp Act. He was a member of the first Continental Convention at New York that year, and had the apple then been ripe to fall, might have signed a Declaration of Independence. During his last years, he was a member of the Provincial Council.[1]

Colonel White built his house in the afternoon shade of the great oak, still standing on Somerset Avenue, at the corner of White Street, named in remembrance of him. This venerable oak, by careful computation, is three hundred years old, and was standing when Somerset Avenue was an Indian path from Cohannet to Pokanoket. King Philip and his braves may have sat in its shelter and gathered its acorns. If it were a Sibylline oak with talking leaves, what happy tales it could tell of White's three daughters, Experience, Anna, and Bathsheba, before the pink pleasures of girlhood had paled in the gray duties of maternity; of merry morning spinning-bees; gay afternoon tea-parties beneath its boughs; of the Harvard-bred dandies riding up to call; of

[1] The obituary notice of March 20, 1769, in the Boston *Evening Post* speaks of White as a "gentleman well known in this government from the many public stations in which he appeared, and well esteemed for the attention and integrity with which he demeaned himself in them. By long experience and fidelity in the practice of the law, he had acquired a handsome estate and a fair character."

mounting from the horse-block when the young ladies were lightly tossed to the pillion behind their beaux.[1] John Rowe (of Rowe's wharf) took tea at Colonel White's and wrote in his diary that the White girls "appeared very neat" — a compliment which covers a multitude of charms, and calls to mind a home with its clean-winged hearth, gleaming pewter, sanded floor, and well-scoured panes.

Nancy was a belle educated in a Boston finishing-school. Her autographs, as witness to powers of attorney for her father, appear in Colonel White's record book as early as her thirteenth year. He took her up to Boston in the big boat-shaped sledge when he rode to the winter sessions. The environment differed from that of a girl of to-day; there were no high schools nor colleges; novels and magazines were few; our city

[1] Of these three daughters, Experience was "published" in 1759 to George Leonard of Norton; his cousin, Daniel, who knew Anna in school-days, married her in 1767; the third daughter, Bathsheba, married William Baylies, a classmate of Daniel at college, who came down from Uxbridge, where his people were iron-workers. Three leading families thus interwoven became the dominant circle in Taunton. Of the sisters, the eldest, Experience, is buried by the side of her distinguished husband, under an elaborate tombstone, at Norton; the youngest, Bathsheba, lies on the Richmond hilltop at Dighton, beside her husband, Dr. Baylies; midway between the two in the Plain Burying-Ground of Taunton, beside her parents, lies the delicate Anna Leonard.

libraries were as unthought of as telephones, automobiles, arc-lights, or airships; but the wide-open book of Nature she learned by heart. She knew that tree swallows came in early April; that the first Sunday in May, the fire hang-bird would be carolling in the elm-tops; that on the King's birthday, robin's eggs could be found in the mud-lined nests. She knew the plaintive notes of the phœbe, the flute-song of the veery, and the wood thrush, the crossbill whistling in the hemlocks, the topsy-turvy nuthatch, the cooing of the wood-dove. She gathered water-lilies and mallows in the river creeks; could find the shad-bush of spring, the gentian in the fall, checker-berries under the snow, holly in the winter swamps, and all the campestral flowers of summer. The rabbit in the woods, the trout in the brooks, the mole in the ground, ferns and sassafras in the forest; moths and honeybees were her friends. She could paddle a canoe up the river, harness Dobbin into a chaise; could spin wool and weave it for garments; make crab-apple jellies, blackberry cordials, and elderberry wine, with graceful lady-hood. Neat-handed, young, and laughing-eyed, of course she had admirers. Many gallants, well-to-do in the world, were at her feet. Into the sampler of her dreams she wove images of the young bloods of Boston, the visiting lawyers sitting at her father's table on high court days,

as well as Robert, Daniel, and scions of other leading Taunton families — Williams, Crocker, Tisdale, Dean, Washburn, Cobb, and Presbrey.

There are causes of division among the youth of every town — family connections, political aspirations, church associations, professional jealousies, and the girls. The old White oak was a rallying-point for wit and beauty — a rendezvous where differences were forgotten. Paine writes of drinking tea there with three Leonards, Otis, Adams, and others. Nancy swayed her lovers with admirable tact, and the gossips marvelled at the number of strings to her bow; but she held herself high and did not marry until six-and-twenty.

As herebefore mentioned, Paine was intimate in the family. He found in Nancy an appreciative listener. In the long winter evenings when the earth was wrapped in snowy robes and great logs crackled on the wide hearth, lighting up the polished floor and shining pewter, Paine would close the shutters, put on a large fore log, take a seat in the settle by the fireside, and lower a bucket into the well of experience; while Nancy in the other settle-corner, would listen with admiration until the candles on the dresser burned low. He told of his frontier life at Crown Point among the Indians; of taking dinner with Dr. Franklin in Philadelphia; of following sperm whales off

Greenland amid fantastic Boreal lights; of coasting down the stone flags of the Azores hills, and seeing brown-skinned children diving for coppers at St. Mary's; of the marvellous Madonnas by Murillo and how the artist met his tragic end in the chapel at Cadiz; of the sights of London for which he found a text in the scenes on the wall-paper or the English crockery. He walked home with her from Sunday meeting, quoting Pope, Dryden, and Gray's Elegy; told her his views on religion; talked of Whitefield, Mayhew, and Catholic masses in Spain. Occasionally he took the college flute out of its German case; and let us hope Nancy accompanied him on the harpsichord, to make the air merry with "Green Sleeves," "Cherry Ripe," and other English songs. When we read in Paine's journal this item: "Cleaned Colonel White's clock," we conjure up a picture of this horological performance, in which Nancy assists in boiling the inner mechanism. She did not need to pull a daisy to pieces to tell whether Robert loved her or not, when they started on their way to Sunday meeting.

Pretty soon, we find Paine inviting her to go on a jolly outing to Newport. Experience and her husband, George Leonard, were to go also — a cozy party of four. They would drive down one day, remain a day, and return the third. There were periodical excursions to Boston or Newport

from Taunton, situated midway between the two.[1] The Rhode Island twin capital was blooming into gayety as early as 1729, when Berkeley arrived, while Boston was still discussing the Halfway Covenant. A company of players, inspired by the English officers stationed there, exultant after the British victories at Louisburg, Quebec, Ticonderoga, and Havana, were giving plays entitled "The Grenadier," "Maid of Oaks," and "The Devil to Pay"; the last of which we hope was not the one given on this occasion. The party set out for Newport in chaises by way of Rehoboth; but the quartette had scarcely driven out of town, when up galloped Daniel Leonard, on horseback, determined to go along with them, his cousin having given him a quiet tip. His appearance did not especially contribute to Paine's enjoyment. Soon after, it came about that it was not the travelled, Boston-bred newcomer, Robert, but the wealthy, ruddy, country-born Daniel, who bore away the prize.

A town record reads:

April 2, 1767

Daniel Leonard of Norton and Anna White of Taunton were joined together in marriage in Taunton.

[1] The winter of 1769, Taunton River was frozen so solid that sleighs were driven by the young men all the way to Newport on the ice.

Samuel White, Esq., Ephraim Leonard, Esq., George Leonard, Jr., Esq., and Seth Williams were present.

By me,
GEORGE LEONARD, Justice.

Anna and Daniel went on a wedding journey in a chaise about New England. Paine's journal, April 12, 1767, reads "Daniel Leonard and Anna White returned."

There was a year of happiness in Taunton for Daniel and his bride; then came the little one, named, for the mother, Anna White Leonard. But the child had scarcely opened her eyes when the mother's lids were closed. The same bluebirds and robins were carolling in the oak tree, the grass was again green on the river-banks, and the hylas peeping in the marshes, on that April day when the sorrowing relatives and friends, Paine among them, bore her body to the burial-ground from the home where a year before they had gathered to celebrate her nuptial gladness. The marriage gown had become a shroud; Daniel was wedded to a memory.

Some quiet Sunday afternoon if you go up to the Plain Burying-Ground on the old Bay Road, you may still decipher, under a cluster of sentinel firs, through briers and tangled grass and mosses, this admonitory sermon on the broad, flat tombstone of the gentle Anna:

Intombed the remains of Mrs. Anna Leonard, daughter of the Hon. Samuel White, Esq., Consort of Daniel Leonard, Esq., born February 25, 1741, died April 4, A.D. 1768.

As the spotless lily amid ye flowers of ye field,
Such was ye departed among ye daughters of men.
There is no flattery here.
Though all the world calls lovely, good, and great in
woman
Once enlivened this now inanimate, yet in
Death's pavilion no soothing eulogy is heard,
Each action, sight, and sound bring solemn Admonition.
"Hark, 't is ye voice of death,
Go, busy, thoughtless mortal, ere ye boast of
Heraldry, ye pomp of power and all that
Beauty, all that wealth ever gave," explore ye
Variant track of those that creep, and those
That fly, — trace every path of life, — and
Mark ye end. All centre in my empire —
Think thou, who never thought before —
Let conscience do its office —
The scene is closing fast.
A God, A "God Appears"
The way is lighted — study wisdom!

Chapter X

Aunt Eunice and Sally Cobb

Misses, The tale that I relate
This lesson seems to carry —
Choose not alone a proper mate
But proper time to marry.

Cowper.

PAINE, in his leaning toward scientific research, discovered early that the greatest of all natural forces is the gravitation of man towards woman. He has left no heart's autobiography in rapturous madrigals to Chloris, or sonnets to his mistress' eyebrow, composed either before or after marriage; but there are smiling entries in his daily journal, and confidential secrets in letters to Sister Eunice, which light up the old, old truth that creatures are forever going in pairs upon this earth.

"Friendship is Love — without his wings." Like the mutual attachment of Charles and Mary Lamb, Dorothy and William Wordsworth, the Herschels, Schumanns, Renans, was the lifelong friendship of Eunice and Robert Paine. She was his first love, and their affection was ever wingless. Two years his junior, she looked on the world through prison bars of invalidism all her days. Along with reciprocal medicinal advice in their letters are many sprigs of sentiment. As children,

they helped each other with the family chores; did sums together; puzzled their heads over conundrums in Poor Richard's Almanac; coaxed pigeons into the house by spreading crumbs along the window-sill; slid down the Weymouth Hills; and sat side by side in the big box-pew, playing Jack and Jill upon their fingers to keep awake. When Robert went to college, she visited him once a month, bringing a bandbox full of seedcakes, currant jelly, and ginger beer, made by her own hand. She took home his washing and repaired his clothes. An extant sheaf of letters discloses several of their insubstantial love-affairs. He wrote to her one week, and she replied the next. Once he sent her a side-saddle with gaudy trappings, such as the quality used, and then addressed his letters to the "Right Honourable, the Lady Eunice, Mistress of the Nag." Again he calls her "Duchess of Weymouth," and often "Dear Old Maid." She did not resent this last appellation, and at twenty-five wrote a good-humored letter to Robert (then a lawyer at Falmouth), asking if that were "a good place for a struggling old maid"; to which he replied that if "ye old maid be tired of her condition, 't is no place to change it" — "nor for a lawyer either," he added.

When he left home at nineteen to teach school in Lunenburg, his arrival there was described to his sister with a graphic account of a rural tea-party:

In ye room were a couple of — (ladies must I call them?) No, good, honest, country girls, one of which honestly confest yt that the last time she weighed herself, she weighed seven score and a haff (or in our dialect half). At first, I was a little straitened for conversation, but this girl, while I was musing, asked me if I intended to bring my family to Lunenburg. Ha, ha, ha! I told her I did not deal in such trash; however, she followed me so hard with her dry joaks that I thought two or three times that I must have quit ye field. I never was so joaked or so confoundedly handled by a woman before, but manfully I stood ye ground and joaked again when I could restrain laughing.

I was entertained with a dish of tea by these — (you Boston people have spoiled me quite. I had e'en said Ladys again) — by those country girls. I was little at loss how I should do over ye tea-table, but I presently found that he who could mix most milk, sugar, and tea, then laugh, and spill most milk, sugar, and tea, was ye best man.

Soon we find this lonesome school-teacher writing to his sister that he is in love with some one "but does n't know who." Danger ahead! He was in love with the rosy passion, and soon a Lancaster belle was plucking at the harp of his heart-strings. He confides to Eunice:

I keep this a profound secret, lest the enemies of my peace should sing Te Deum to Venus. However,

I hope that I have gotten over the worst of it, and expect, now that the long evenings and still nights are come to invite to study, to grow more serious than ever.

Again he writes:

Soft things I am done with, they only plague one; they are truly like opiates to a feverish person; if they succeed and relax the fibres, they bring a sweet and confused repose, but if they fail (and they are very precarious), they aggravate the disorder, and all ends in perfect distraction. Therefore, I run no such venture.

Presently steeling himself against all feminine charms, he closes with this injunction:

Remember me to no female friend upon earth.
Rob't. (Lord Shirley.)

He was careful of his sister's culture, once writing to her:

I hope that you will never affect to be one of those polite ladies who talk nonsense and bury it under a flood of words, which rush in upon them without ideas; as waters through a flood-gate have no fish.

And then inquires if she "has any spark yet." Referring to a college mate who visited him, he wrote:

I believe I must send him to court you; his infinite good humor will suit you to a notch. You love just

such a man as I do a woman — an easy good-humored nothing.

With fraternal frankness, he told his afflictions. That youth has its troubles as well as age, this lamentation will testify:

Dear Eunice:

I hear fine tidings of your dancing, frolicking, and nobody knows what, and I am sorry I have such pressing occasion to transfer to you some sorrowful tidings which will doubtless suppress your spirits and bring a gloom upon your mind. It is your well-approved maxim that troubles lose their force by communicating, and then 't is the part of friendship to share in affliction as well as in prosperity. Afflictions always affect us more or less according to our circumstances when we hear them, and I can easily conceive how great must be the shock to you who are regaling and wantoning at connubial festivals, to be informed that your brother has not got a pair of drawers fit to wear. Ha, ha! ha!

Your, you know what,
R. T. Paine.

Eunice had her own heart-flutters. Richard Cranch, a lifelong friend of Robert, who had come to America as a child and settled at Weymouth, was a suitor for her hand, but his blood was not blue enough nor his purse full enough for family alliance with the Paines.

Thomas Paine wrote to Richard Cranch, May 1, 1753:

As to my daughter, the great affair of matching her, I (perplexed) must leave to her own inclinations, hoping they will be prudently directed. She is now the greatest care of my life, as her sister is settled and brother in good circumstances, and the necessary supplys to settle her in the world are at present perplexed. But they will be considerable, if I can get over the incumbrances of the law, in which I am now involved, and how long they will last I can't see. To secure her in this, is now the whole cause of my abiding the present fatigue, and I can't think it prudent for her to engage herself in marriage, while I am in these circumstances.

So Richard is dismissed; but having his heart set on a minister's daughter, he transferred his affections to Betsy Smith, and became brother-in-law to Abigail Adams.

Next comes a long-distance wooing. February 2, 1756, Thomas Paine wrote to his daughter from Halifax:

I have to inform you that Mr. Eben'r Prout, whom you formerly knew, is now in a very good business here, and has made a proposal to me, that if I sent for you to come down here, and it would not be disagreeable to you, he should be glad to make you his spouse; and upon these conditions I should incline you would come; otherwise would not on any ac-

count. I leave you wholly to your own liberty in respect to the above.

Eunice, in excitement, instinctively and immediately wrote to Brother Bob — laying bare the emotion within her bosom. He replied in an extended letter dissuading her from the proposed step, by reminding her of her delicate health, picturing the care of children, with the father at sea and "no knowing when he will return," questioning whether a sea-captain could satisfy the mind of a minister's daughter, dwelling on the possibility of a marriage beneath her station, and closing at length: "But if you can find a friend nearer than a brother, may Heaven bless the alliance." She pondered the question deeply and finally accepted — her brother's counsel, sending this pointed reply to Ebenezer, who would not meet his ladylove even halfway.

Boston, March 8, 1756.

Sir:

I rec'd inclos'd in my Father's last a very unexpected epistle, which I suppose I must make an answer to, seeing I shan't make my appearance, as was desired. I am surprised you should venture so far in an affair of so great importance, when you are so unacquainted with the bargain, for surely could you know what you are delivered from by my refusal, you'd bless yourself; and take more care for the future how you run such a hazard. My being so entire

a stranger I should think as sufficient objection, but my ill state of health has for many months obliged me to depend chiefly on the care of my doctor and nurse, and tho' at this present I am something better, yet far from being able to take any care or do any business; this declaration I suppose will suffice, instead of a more formal refusal. I heartily wish you all manner of prosperity, and especially that you may be more happy in your next attempt of this kind. The simplicity of this letter will show my sincerity and how heartily I wish your welfare. I will now take leave to subscribe myself

Your humble servant,
EUNICE PAINE.

Thus Eunice accepts a patient acquiescence in the conjugal joys of others, her maidenly resignation mingled with dreams of what might have been. In single blessedness she hung upon her brother's left arm for life. She became "Aunt Eunice" to the family, the ever-reliable stay to care for the children, to mend their worn and torn garments, teach them letters and manners (occasionally removing a slipper to emphasize her corrective counsel), read Watts's Moral Songs [1] at bedtime to enliven their dreams; to question them on Sunday about the stories of the Old Testament; in

[1] For instance:

Why should I love my sports so well,
So constant at my play,
And lose the thought of Heaven and Hell
And then forget to pray?

short, to supply in Paine's homes in Taunton and Boston the help, sympathy, and advice of what the French call the "little mother." When the Revolutionary embargo was laid on oolong and hyson, she cheerfully brewed catnip in the afternoon tea-pot. When not at her brother's, she stayed with her sister, Abigail Greenleaf, or at the house of General Joseph Palmer in Germantown, where her days were ended in 1804.

Abigail Paine, four years older than Robert, was not so intimate a companion as Eunice, acting more in the capacity of a guardian angel.[1] When Robert was a senior sophister at Harvard, Abigail considered his judgment mature enough to advise her in her most delicate affairs. She writes to him, March 4, 1749:

DEAR BROTHER:

As I would look upon you as a friend as well as a brother I will take this time to inform you of an

[1] In a letter to Bob at college she gives a glimpse into their domestic affairs:

I have a merry piece of news to write you of a strange accident which happened to us. Last Thursday night, father took uncommon care to charge Freeman to shut the house, and he said that he had done it, which made us all neglect to look at the fore-door and so went to bed with it open; sometime before we arose, somebody came in, opened all the inner doors, and went into the pantry and took a bottle full of rum out of the case, and part of a loin of roast veal out of a dish, and left a spoon and porringer and three teaspoons on the shelf in open view; from whence they advanced into the kitchen and took a loaf of brown bread and the sugar-box, and three pocket handkerchiefs out of a basket of clothes; and so departed without any further mischief, which I look upon to be very honest in a thief; it has caused abundance of laughter amongst us.

affair of my own, that I make no doubt will surprise you as it had me. Father has at length approved of Mr. Greenleaf's request to visit me, and has given his consent and has taken some pains in a very tender manner to persuade me to comply with ——'s request. Were it not for this and the reason he urges, I should have no thought but to refuse without consideration. But his urging it in any degree is so strange, I know not what to say. Many of his reasons are too tedious to name, but one, a consideration of my age, and his circumstances not being so promising as some years past, by reason of many losses and disappointments, and his infirmities of body and age come on; which makes him desirous to have me settled, and he thinks this is a good prospect for a living; his only objection, what we all know, the family. Pray let me know your thoughts upon this by bearer, for on Monday night I shall see him again; if you think 't is not, I will dismiss the point.

As the point was not "dismissed," shall we conclude that Robert approved, or otherwise? He attended the wedding in October.

Though keen for feminine charms, Robert was a tardy benedict. We know that many blossoms of his heart dropped their petals without fruiting. His journal and letters arouse conjecture by references to Betsy Watson, Elizabeth McKinstry, Anna White, Sally LeBaron, Hannah Quincy, not to mention the fair deer-stalker of the Carolinas

or the belles of Lancaster. Such an entry in his journal as "Rode to Plymouth with Sally LeBaron" calls up the picture of a "one-hoss shay" bouncing over long sandy roads while the occupants cozily discuss intimate affairs. "May 9, 1763. This evening began to visit Miss Betsy Watson at Plymouth" suggests the premeditated siege of that lady's heart. His legal affairs frequently took him to Plymouth where he was often a guest of Colonel George Watson. Paine, now in his thirties, replies to the question, "What do you think of the Writs of Assistance?" — "I think of taking out writs of assistance for myself." For some reason his suit was quashed by these two daughters of the Pilgrims, who appear to have married respectively admirers by the name of Clark and Barnes.

Why did he not marry until in his fortieth year? Was it lack of money? A well-dowered lady was then an essential consideration. Was it infirm health? Like Hancock, another matrimonial procrastinator, he was always ailing. Was it his personal appearance? When we add to his facial portrait a lank figure, thin neck, and spindling legs, the result is no rival to Hyperion. Was it his manners? Adams says, "By his boldness in Company, he makes a great many enemies; his aim is to be admired, not to be loved; this impudent behaviour may set the millions agape at him, but will

make all men of sense despise him." Did he have too many flames? Was family pride too exacting in its demands?

One day in the autumn of 1768 there was a gay spinning-bee near Taunton Green, described thus in the Boston "Gazette":

> Twice ten young blooming virgins trod the Green
> With all their native virtues of sixteen.
> Beauty when joined to such superior charms
> Might draw the desert hermit to their arms.

Whether this quatrain was from the pen of Leonard (married the year before) and the "desert hermit" a sly dig at his unmarried rival, or whether Paine, who was a correspondent of Boston newspapers, was the rhymester, who shall say? When the new lawyer took up his residence in Taunton, — well-born, witty, well-educated, — he held passports to the best society, and cultivated those leading families in which were marriageable maidens. His first Thanksgiving dinner in Taunton was eaten at Thomas Cobb's tavern in 1760. Captain Cobb was a religious man and presumably nodded to his guest to ask the blessing, since the young lawyer could not have wholly forgotten his ministerial experiences. Who doubts that Sally Cobb, then apple-cheeked, saucy, and sixteen, waited on the table, passing drum-sticks, dumpling, celery, and syllabub? and that here was the first stitch by Cupid, the sly, old tailor, in basting

these two hearts together? Yet ten years passed before the wedding-knot was tied.

After Sally, amorous and comely at two-and-twenty, removed to Attleboro, her ripe charms lingered in Paine's eyes. By the summer of 1766 affairs took a serious turn. Data of progress are found in Paine's journal:

November, 1760. Spent Thanksgiving at Cobb's house.

October, 1762. Mrs. Lydia Cobb died, and Miss Sally took charge of things.

July, 1766. Began to visit Sally Cobb.

February 28, 1770. This day I was published to marry Sally Cobb.

March 15, 1770. This evening I was married to Miss Sally Cobb by the Rev. Mr. Weld.

Sally was born May 15, 1744, of sturdy stock rooted deep in the soil of Taunton. Henry Cobb, the emigrant, was a ruling elder of Barnstable. His grandson came to Taunton about 1690 and settled at Oakland Village, as Cobb Swamp there would indicate. Ensign Morgan Cobb made the first map of Taunton in 1728. Captain Richard Cobb was killed at an Oakland muster in 1772, the accident being thus curiously recorded by General Godfrey:

November 7, 1772. Capt. Richard Cobb died by his Right legg being shot of by the splitting of a short

Barell of a Gun at Left Wm. Thayers on the 4th day of sd November, being a Training day and cut of above his knee sd 7th day Died.

Thomas Cobb (born 1705) was first sea-captain, then tavern-keeper, then iron-maker with James Leonard, whose daughter Lydia he married. Lydia Leonard was a woman of sound character and of such worth that the Taunton society of the Daughters of the American Revolution honor her memory in taking her name for their chapter. At his marriage, Captain Cobb became an iron-worker, because of his wife's portion in the works at Chartley and Attleboro.[1] In the latter town he purchased for a home a large octagonal house (built by a rich old bachelor and known as the "Chapel"), with stone flags on the lower floor, and triangular rooms radiating from a central hall. The family lived upstairs, the slaves below.[2] November 5, 1761, Rev. Josiah Crocker, the minister of Taunton, whose son was a Harvard classmate of Daniel Leonard, was married, with great display, at the "Chapel," to the daughter, Hannah Cobb, as his second wife. The two sons, Thomas and Jonathan Cobb, were iron manufacturers.

[1] Daniel Leonard was a third cousin of Sally Cobb, and as children they might play together at Chartley.

[2] Thomas Cobb gave his negro, Cuff, his freedom May 7, 1779.

The best known member of this family was David, born in 1748, who at seventeen married Eleanor Bradish, and became the father of eleven children.[1] A billet found in an old Taunton ledger, gives this portrait of the wife :

Eleanor Cobb is a very amiable young lady; she not only possesses an outward dignity which instantaneously and warmly prepossesses all in her favor, — but what is infinitely greater, — she has a mind equivalent to each outward charm, grace in all her steps; heaven in her eyes; and in every gesture dignity and love.[2]

David was a doctor, entered the army in the Revolution, and became lieutenant-colonel. After the war he was made judge of the Common Pleas, as a reward for his military service. He was of strapping stature, and was equipped with a robust vocabulary. He had led a force of militia at Quaker Hill in Rhode Island (in 1777), and stands out as the defender of law and order, October 5, 1786, in Valentine's mob-attack at Taunton during Shays's Rebellion. We may fancy the enraged veteran striding into his house roaring, "Mother, bring out my old regimentals. Damme, I'll sit as a judge or die as a general." But he did

[1] Among his descendants were the late Mayor Cobb of Boston and former Governor Curtis Guild.

[2] Paine's diary reads: "April 1767: I scolded at Cobb's wife before him."

neither.[1] When the judge reappeared in military majesty, epauletted coat and sword in hand, the rebel tatterdemalions dispersed without bloodshed and the court was discreetly adjourned. David used sulphurous language, swearing not only on occasions of high temper, but in peaceful conversation and in letters; in later years the minister used to call upon him to swear by proxy. Coming out in the morning and noticing that the vanes on the court-house and the meeting-house did not agree, he observed to his brother-in-law, "The Law and Gospel seldom point the same way." He was with Washington at the surrender of Cornwallis and later visited Mount Vernon.[2]

At the age of eighteen, Sally Cobb became mistress of household affairs in her father's tavern on the site of the Taunton post-office. She was a ready hand to rake hay, feed chickens, try tallow, mould bayberry candles, or mix a noggin of punch. She was not one who might yearn to be "married to a poem and given away by a novel." Girls were educated on short rations — feminine learning may have been considered contrary to New Testament teachings. But the warmth of

[1] Francis Baylies may have put these words into his mouth forty years later.

[2] At West Point, when weighed along with fellow-officers, Cobb's weight was 182 pounds, while Washington weighed 209.

her nature succeeded in melting Paine's celibacy. Banns were published in Attleboro February 28, 1770; on March 15, a few days after Leonard's second marriage, Paine put on his wedding-coat and drove up through the odorous spring woods from Taunton, to be married that evening. There was no ostentation about this wedding at the "Chapel" when Sally, buxom and blushing, was united with the worldly-wise Robert, some thirteen years her senior. Two months later, May 14, the union was blessed with a bouncing boy.[1]

With his wife came a dowry, and soon Paine purchased land on the northeast side of the Green. October 14, 1771, there was a house-raising, with a cask of cider and much Jamaica rum; ninety-eight days later the plaster was thought dry enough for the family to enter but the infare occurred in a driving snowstorm. Sally could now put on her calash and run across to Caldwell's store for a bar of soap or a string of herring; and over to her older sister's to get advice in domestic trials, while her brother's stentorian voice could call across the Green to consult her husband on politics or business. In this house four of Sally's children were born, and here she lived till the removal to Boston.[2]

[1] The great author of the *Seven Ages* himself was hardly an idealist in his own Age of the Lover.

[2] After the success of the French Revolution, the Americans

Paine's wife, though unable to keep step with her husband's advanced tastes and thoughts, admired him for his reserved manners and his official dignities. Her pride in his distinction is manifest in a letter in which she mentions that Norton had chosen "a market woman's husband" as representative in the General Court, adding, "A sweet figure they cut." John and Abigail Adams during their separation for a third of their married life (which Abigail said was the secret of their conjugal happiness), kept up a snowstorm of letters, but letters from Paine to his wife during his two years in Congress were few. Writing to Dr. Cobb from Philadelphia, he says, "Let my wife read this letter; I have n't time to write her."

Two of the Massachusetts delegates took their wives with them; the others lived as bachelors and were much sought after for evening functions, which they found an agreeable change after the worries of the day.

The Old Colony delegate left his wife at home with a newly born child, when he made his third trip to Philadelphia in September, 1775. The winter came — no husband; the spring came — still

began to show their sympathy by adopting the French name "hotel" for taverns. Paine's Taunton house was converted into the Washington Hotel, and about the same time Leonard's mansion became a coffee-house.

he tarried; summer came — "I'll be home soon," he wrote; "tell Robert I have a toy dog for him;" autumn came — "I expect we shall both walk with cains before I see you," wrote the wife. At length, Sally hinted that there were pretty women in Philadelphia, inquired if he liked their looks, and presently wrote that she dreamed of seeing his new wife in the City of Brotherly Love, and awoke in a great fright. And the dream was so far true — that a famous young lady, receiving the attentions of her fifty gallants, was making her début in a gown of red, white, and blue, — her name was Columbia.

Paine was absent from September, 1775, to January, 1777. In this period, when his mind was engrossed with laying the foundations of a new empire, a few letters from his wife shed light upon the intimacies of home affairs. Had Sally not shown a humorous turn, these clippings might suggest the wail of an unappreciated spouse.

February 11, 1776:

I expected you would have inquired after your children's welfare before this time, but I believe you have forgotten them as well as me, but I hope that when you have your second wife you will not forget her.

I have heard that you are in great spirits and don't want to come home. As the Irishman said I

was afraid you would come home dead. I remain your affectionate wife though neglected.

May 12, 1776:

I have n't rec'd a letter since March, for what reason I don't know, without it is as Jos. Crocker says that you have got a new w—f, be that as it may be I should be glad to hear from you and when you desire to meet the old one. . . A court on March 17, 1776, was broken up by a crew with sticks and clubs and compelled to sit at Mr. Crocker's. . . We have had one of our dreadful trainings to-day and my head is almost drummed off.

October, 1776:

I am not willing to think that you are unmindful of home, though you have a new wife. I saw her the other night, she was very sassy and began to claim her right and I turned her out of doors. In doing so I woke in a great fright.

Thirteen years his junior, the young wife was naturally a bit jealous of her husband. When the family removed to Boston, Sally's life was one of complete domestic employment, caring for her brood of children, and later for her grandchildren, who lived with her. She was busy keeping her house in order, churning butter, attending to the flower garden, entertaining her guests; and every spring sent Jedidiah, the hired man, with her

carpets over to Boston Common for the annual beating. She had a tender feeling for the wild poet-son, Robert Treat, Jr., when his father's face was turned against him. She followed, one after another, all four of her boys to the grave, and died, a widow, in June, 1816.

Chapter XI

Leonard's Second Marriage

He who marries a second time does n't deserve the loss of the first wife. — *Old Proverb.*

DANIEL LEONARD prided himself on being the glass of fashion and the mould of form, but discerning women saw in him a nobility not wholly imparted by the barber, the tailor, or a study of Chesterfield. Polite and engaging, he was a beau any belle might be happy to catch. The dazzling, dashing, gaming qualities of Daniel were satirized in a play by Mercy Warren, sister of the fiery James Otis, and wife of James Warren, Speaker of the Revolutionary Assembly.[1] "The Group" is now read, not because of its literary merit, but for its whimsical references to the men and politics of that day. Published in 1775, it ridicules the most notable Tories, introducing them under strange appella-

[1] Madam Warren shared with Abigail and Hannah Adams the feminine literary glory of the Revolutionary period in Massachusetts. Her Plymouth home was the resort of visiting lawyers; at her table, Leonard and Paine were guests while attending the County Court; intermittently she had intimate friendship with John Adams, who wrote of her satirical play, "The Group":

There was but one person in the world, male or female, who could at that time, in my opinion, have written it; and that person was Madam Mercy Warren.

tions, like "Hateall," "Scriblerus," "Hum-Humbug," "Hazelrod," and so on. In a copy at the Boston Athenæum, the persons caricatured are identified: "Hazelrod" is Peter Oliver; "Meagre," Foster Hutchinson; "Hateall," Timothy Ruggles; "Scriblerus," Jonathan Sewall; "Beau Trumps," Daniel Leonard.

Here Leonard, whose foibles were well known, was impaled under that clever sobriquet, a curious combination of French and English words. The æsthetic taste of Taunton centred in him. He had an eye for a deftly curled wig; his elegant waistcoats and elaborate manners contributed topics for the persiflage of ladies' tea-tables; and his scrupulous toilet as a "macaroni" is thus described by John Adams: "Velvet coat, neckerchiefs and wrist falls of exquisite Irish lace, satin trousers, and silver embroidered on his cocked hat." Natty, spruce, personable, he answered the requirements of an English squire, "well fed, well read, well bred." Paine was characterized by moral earnestness; Leonard by a Bourbon culture. Traits of the Puritan appear in Paine; in Leonard, those of the Cavalier. Matthew Arnold would have classified them as Hebraic and Hellenic. If you were to have a jovial midnight supper, a rollicking fox hunt, a campaign speech at election, a dress-parade in military trappings, Leonard was your man; but if you wished for an impromptu blessing at a

dinner-party, or a discussion of theology over an afternoon teacup, or were looking for a pall-bearer, or moderator of a town meeting, you would turn to Paine. Jonathan Sewall said that Adams "would never shine at court as an ambassador, as he could not dance, drink, game, dress, and flirt with the ladies." This might apply to Paine, but never to Leonard. For him woman had a wondrous fascination, and Trumbull, in his "McFingal" refers to him thus:

> Scribbled every moment he could spare
> From cards, the barber, and the fair.

So much for Leonard as a "beau." The other word of Leonard's sobriquet is explained in "every moment he could spare from cards." He was an inveterate card-player; inordinately fond of the company of the gorgeous kings and queens in the pack. When a youth inquired of the venerable Paine about Leonard, the Judge mused a moment and replied, "Yes, Daniel was a clever fellow — but too fond of cards! too fond of cards! He never was at ease in company till cards were introduced." There is no evidence that Paine knew "jack" from "joker." It never entered into his plan of life to fritter away the night over seven-up, quadrille, whist, or piquet.[1] He had the Pu-

[1] He did not agree with Talleyrand, who wrote to one who could find no joy in cards, "*Quelle triste vieillesse vous vous preparez.*"

ritan abhorrence of the pack as "tickets for Hell," and took the same view of card-playing as John Adams, who wrote:

It gratifies none of the senses, neither sight, hearing, taste, smelling, nor feeling. It can entertain the mind only by hushing its clamors. Cards, backgammon, etc., are genteel antidotes to reflection, to thinking — that cruel tyrant within us.

So while Leonard, Dr. Cobb, and their visiting friends lighted their long-stemmed pipes, set their mugs of toddy in the ashes on the hearth, and shuffled the greasy deck till midnight, laying down a few shillings to spice the game, Paine took the key from his pocket, wound his big watch, and with a night-cap joke, put a pinch of pepper in his mulled cider and went early to bed.[1] Leonard enjoyed the zest of chance, and in this day might have developed the "poker face." We need not suppose that he learned all his card games in Norton. Those fines at Harvard might perhaps be accounted for by a cozy game with

[1] As he arose betimes to visit Woodward's Springs, for a morning draught of the iron-water, he may have passed Leonard on the stairs on his way to bed, as Clay and John Quincy Adams are reported to have met while the Treaty of Ghent was making. Adams, the early riser, greeted his colleague with "Good morning," to which Clay, after spending the night at the gaming-table, retorted "Good night."

college chums in a back room of the "Bunch of Grapes" Tavern. When following the circuit plenty of fellow-barristers would join his evening game; when penned up in Boston during the siege, he could take a hand with the ever-ready British officers, for as Solicitor to the Customs he could meet them on an equality.[1] Later, picture him with his fellow-exiles in the Adelphi Coffee-House or at Almack's in London, whiling away days of anxiety by piquet, when winnings and losses were of necessity small, because remittances from America were meagre. At Bermuda, we fancy the courtly old judge enjoying his *otium cum dignitate*, his white-stockinged legs stretched under a mahogany table, as he joins the Governor, or Tom Moore for an afternoon game, with mint julep handy on the buffet. Through life he played a gentleman's game, but the cards went against him.

So Leonard stands as "Beau Trumps," in the play. His first cue follows:

[1] At this time, a game called "Boston" originated among these British soldiers. It is now probably forgotten in the North, but if you should chance to be walking up Canal Street in New Orleans with eyes bent to the ground, you might observe among the signs embedded in the *banquette* the words "Boston Club." Imagination would naturally conjecture "A Society from Massachusetts"; but should you enter, you would find the members playing this old Revolutionary game of cards.

THE GROUP—ACT II

A large dining room, the table furnished with bowls, bottles, glasses and cards. The Group appears sitting around it in restless attitudes In one corner of the room is discovered a small cabinet of books for the use of the studious and contemplative, containing Hobbes's "Leviathan," Sibthorp's "Sermons," Hutchinson's "History," the "Fable of the Bees," Philalethes on "Philanthropy," with an appendix by Massachusettensis, "Hoyle on Whist," "Lives of the Stewarts," "Statutes" of Henry the Eighth and William the Conqueror, Wedderburn's "Speeches and Acts of Parliament," for 1774.

Scene I

Hateall, Hazelrod, Monsieur, Beau Trumps, Simple, Humbug, Sir Sparrow, etc. Scriblerus *and* Monsieur *are engaged in dialogue when* Beau Trumps *enters with Grandisonian air and speaks:*

That's right, Monsieur,
There's nought on earth that has such tempting charm
As rank and show and pomp and glittering dress,
Save the dear counters at beloved quadrille,
Viner unsoiled and Littleton may sleep,
And Coke lie mouldering on the dusty shelf,
If I by shuffling draw some lucky card
That wins the livers some lucrative place.

The Leonards were an uxorious clan. Ephraim was so fond of his first wife that he repeated his "venture" again and again. To remain single after experiencing so many stepmothers, especially when ample means of display would come with a

wife, was out of the question with Daniel. So in tribute to the lovely Anna, he soon sought a new wife, — as much like the first as possible. In 1770, his star was in the ascendant. He was now King's Attorney, member of the General Court, and his law practice was beginning to be lucrative. Since the death of his wife, he was, like Paine, living at McWhorter's Tavern, while Ann Barney, at Grandmother White's, was caring for his motherless babe. The year that Daniel first went up to the General Court, Andrew Cazneau, a fellow-barrister and member of the same club, had married a daughter of John Hammock, a prosperous Boston merchant.[1] The gay Daniel, we assume, was present at the wedding, and found one of the bridesmaids attractive; having an eye to fashion and understanding the uses to which inherited wealth could be put.

John Hammock lived at the aristocratic North End, and was the father of several daughters.[2]

[1] In the address to Governor Hutchinson upon his departure for England, the signatures of Leonard and Cazneau stand side by side, suggesting a close acquaintance. They were both proscribed by the Legislature in 1778, and lived together many years in Bermuda. The Cazneau sisters were belles, known in Providence as well as in Boston; and interesting letters relating to their entanglements are preserved in Rhode Island historical collections. The family was Huguenot.

[2] One, born in April, was named Easter Hammock. Whether she was born on Easter Day, or whether this name was another form of Esther, the reader may decide.

Those North End ladies and gentlemen read Addison's "Spectator," "Tristram Shandy," "Tom Jones," "Sir Charles Grandison," the English prayer book, and repeated *bon-mots* of Sam Johnson; some of them had manors of a thousand acres in the country, cultivated by slaves from Africa (the Apthorps, Amorys, Borlands, Hutchinsons, Olivers, Princes, Wendells, Winslows). It was their ambition to ape the customs and ceremonies of England, as the *habitans* in Quebec attempted a miniature of the court at Versailles. Of an afternoon the Bostonians paraded on the Mall in brocaded vests, broad ruffled sleeves, Delta-shaped hats, and powdered wigs, swinging ivory-headed canes to touch up vagrant dogs, sheep, or pigs, and warn idle negro urchins. An English traveller said of them, "The ladies here visit, drink tea, and indulge every little bit of gentility to the height of the fashion, and neglect the affairs of their families with as good a grace as the finest families of London."

In less that the customary two years from the death of his first wife, Daniel goes up from Taunton to marry a daughter of Boston; eleven days later, Paine, having coming down from Boston, takes to wife a daughter of Taunton — a fair exchange. Sarah Hammock and Daniel Leonard were married March 4, 1770, a day before the Boston Massacre, when the town was in fever-

ish excitement from the conduct of the King's troops, who, a few days previously, had killed a boy.

John Hammock was a vestryman in Christ's Church. There let Fancy assemble a fine wedding party — acting Governor Hutchinson in official splendor, Lieut.-Governor Oliver, Josiah Quincy, intimate friends of the groom; a British officer or two, in flashing red coats with medals and orders; and the North End gentry as smartly frocked as credit would allow. Of his college-mates, Thomas Brattle, next to whom Daniel had sat at the head of Commons; John Lowell; Daniel Bliss of Concord; William Baylies, his brother-in-law; Samuel Deane, a few years older, who had come up with him to college from Norton, and was now preaching at Portland; include also Dr. Joseph Warren (class of 1759) and John Trumbull of Yale, who studied law in Boston, and Judge William Browne of Salem. Of his fellow-members in the Legislature invite Major Hawley from Northampton, James Warren of Plymouth, James Otis, living in Boston, Timothy Ruggles of Hardwick, and Colonel Jerathmeel Bowers of Swanzea.[1] Paine must drive up from Taunton; and welcome Paul Re-

[1] Colonel Bowers was a boon companion of Leonard. He made a fortune in the West-India and slave trade and his son became a notorius spendthrift. For lack of other sensational

vere, the silversmith, Cazneau, John Adams and other lawyers, and various members of the two families in their Sunday best.

But hush! The rector, Mather Byles, Jr., enters the sanctuary, shaking the snow from his curls; the bride of twenty-four, in hoop skirt, lace and brocade, with pearls on her neck and in her ears and hair dressed high; the groom of thirty, in silver-trimmed blue velvet coat, tie-wig, finely plaited linen neckerchief and "pudding." Now the Communion; the kneeling at the altar; the passing of the ring; the hymn and benediction and wedding march, with nuptial strains from the newly installed organ. And now the rice and slippers!

Let the guests from Norton climb the steep wooden stairs of the delicate tower (designed from drawings by Sir Christopher Wren) to inspect the chime of bells and startle the pigeons, just as the sexton with his two lanterns startled them on an April evening, five years later. On the first of the eight bells they might read, "The subscription for these bells was begun by John Hammock and Robert Temple, Church Wardens, Anno 1743." On the seventh bell, "Since generosity has opened

extravagance, one day, young Bowers announced he would eat the most expensive breakfast in Somerset. When the neighbors dropped in to watch the banquet, the Colonial Midas put a hundred-dollar bill between two slices of bread and devoured it.

our mouths, our tongue shall ring aloud its praise." They must also examine the "Vinegar Bible" and the silver service given by George II.

While his first wife's father was scrutinizing Leonard's affairs, Daniel felt restrained, for Colonel White was an accumulator, not a dissipator of fortunes. After his second marriage, Leonard began to favor a more extravagant style. His tastes prompted him to live in a manner becoming his title of King's Attorney. He took his Boston bride down to Taunton, where he enthroned her in a newly-purchased mansion. He was the John Hancock of Taunton; his house overlooked Taunton Green as that of Hancock looked down on Boston Common. The natives rubbed their eyes at the new pomp, began to put aside familiarity and hailed their fellow-townsman as "Mister." Madam Leonard frequently accompanied her husband when his legislative duties called him to Boston. She could not find many of her own social set, and may have sniffed a trifle at the rural gentry. Paine and Mrs. Leonard became congenial friends, though Paine, born on Beacon Hill, was then not so aristocratic as a North-Ender.

The substantial mansion of Leonard was on that side of Taunton Green where now stands the courthouse. In the rear was his stable with the coach

in which he rode to Boston; paths of box led to the wide door; china and plate were on the mahogany table. Here were entertained, with the most lavish display the town could afford, the Governor and Supreme Court Judges — Gerry, Godfrey, Otis, Mayhew, Bowers, Cobb, and high officials from Boston.

> And judges grave and colonels grand,
> Fair dames and stately men,
> The mighty people of the land,
> The "world" of there and then.

Cards, wine, dancing, and midnight merriment made the judicious grieve; the sober-thinking saw that Leonard was cultivating the haughty spirit which precedes a fall.

Four years Mrs. Leonard lived in Taunton, where three children were born. The unhappy circumstances under which her husband was driven to Boston, when popular sentiment ostracized the family, aroused sympathy for the wife whose child, born in this harrowing period, developed symptoms of idiocy. As soon as advisable, the family coach, driven by Spencer Lyne, the colored coachman, took Mrs. Leonard and the children back to Boston, to a house in Queen Street; and not long after, Colonel Leonard's private papers were borne away, to be scattered none know where.

After a year and a half in Boston, Mrs. Leonard sailed to Halifax, to live among two thousand exiles in Nova Scotia. Halifax was then but a fisherman's hamlet. There was great difficulty in accommodating the 1927 persons, who, in crowded ships, sailed thither in March, 1776. Icebergs coming down from Labrador caused heavy fogs, "the pity of the sea." Most of the houses were rickety, admitting bleak winds through manifold chinks, and scarcely a room had been plastered.[1] Whole families were crowded together closer than aboard ship. Daniel soon went to England, but his wife remained, with her half-dozen children and servant, for another two years, dreading the ocean voyage, and expecting every day the war might cease. Tears of homesickness welled up in her eyes as she sat in exile, with her little ones, and in the summer of 1778, she gathered her brood about her and crossed the ocean to join her husband. She lived three years in crowded London, near Buckingham Gate, educating her children in the schools. Then she packed her Lares and Penates for Bermuda, where she lived the narrow life of the island for twenty-five years, a near neighbor to her sister, Mrs. Cazneau. There the silver wedding was observed.

[1] Some one speaks of the climate as nine months winter and three months cold weather.

The Leonards' faithful servant, Ann Barney, loyally followed the family in all its peregrinations. Hers was a life of peculiar gentleness; she had taken care of Daniel's first wife, and after her death had nursed the motherless child as her own. When Daniel married again, his new wife welcomed Ann into the household with her foster-child, whom the nurse loved with all her unsatisfied maternity. Thus Ann came to be as one of the Leonard family, and companioned her new mistress through all the changes of fortunes. She cared for other little ones as well as for Anna, and was always a very present help in time of trouble, especially during those trying days at Halifax when Mrs. Leonard, in her husband's absence, was bravely endeavoring to keep her children in health. Ann went to London and finally to Bermuda, where it was her happiness to see her "child" married to an English officer. Besides Ann Barney, Seth Williams, a Harvard graduate and kinsman to Leonard's first wife, followed the family into exile. The household, in 1775, consisted of ten persons, counting in the nursery maid. There must have been an annual increase of olive-branches round Madam Leonard's table, but two died in infancy and were buried either on the bleak hillside at Halifax, in the throbbing heart of London, or in the "quiet" behind St. Peter's at Bermuda.

The death of Madam Leonard in 1806, away from her husband and children, on the waste of waters, is a pathetic contrast to the brilliant promise of her wedding day. She had lived with Daniel thirty-six years, for better, for worse. The climate of Bermuda, fatal to consumptives and beneficial to nervous diseases, was not good for her; she left the island to return to her American home by way of Providence, but never reached New England. Superstitious sailors put shot in her canvas coffin, and as the captain finished the marine burial service, gently lowered her body into the vast unmarked ocean cemetery.

NEXT THE JUSTICE

Chapter XII

King's Attorney

The far-off splendors of the throne
And glimmerings of the crown.

Anonymous.

THE decade 1765–1775 was a succession of surprises to Leonard; its critical changes and significant developments brought out his true colors. He was admitted to the bar and elected to the General Court; was married twice and became father of several children; he was appointed King's Attorney and Mandamus Councillor. Honors were crowning him faster than he could carry them gracefully. Presently he was driven, at the menace of musket balls, from the land of his fathers by angry fellow-townsmen.

To grasp the spirit of the times during this first decade of his practice as an attorney, it may be well to refresh the mind upon the events then marching double-quick toward the goal of Independence. Almost weekly, Leonard and Paine found some new disturbance to discuss with their neighbors at the store or the town house. British law made it impossible for the Leonards to make iron for export. It was a crime to manufacture hats or shoes and market them beyond the neigh-

borhood, so rigidly did the Crown's vigilance restrain the commerce of the Colonies. Criminals from British jails were sent to America and sold as indentured servants for stated periods. The import duties, the summons to England for trial of all officers under indictment, and the quartering of troops in time of peace, strengthened the arguments against the ministry and the revolt against constituted authority. The struggle with France for the American continent had ceased in 1763 and the danger of French control was ended. Thereafter the colonists gave attention to their business, farming, and political troubles. By the Stamp Act of 1765, a special stamp was required on every document, from a deed to a marriage certificate. The resentment of the people was so universal that this law was repealed the next year, only to be replaced in 1767 by another odious taxation scheme devised by Charles Townshend. Taunton families gained wealth by evasion of these laws. To smuggle became a patriot's duty. Sloops anchored at out-of-the-way points along the coast, from which carts, under cover of night, brought away tea, wine, sugar, molasses, and fruit to secret cellars. In 1768, Parliament bade the Massachusetts Legislature rescind their circular letter addressed to other provincial assemblies seeking assistance. Seventeen members obeyed and were tormented within

an inch of their lives by sore constituents. Hancock's sloop, Liberty, was seized by Crown officials for smuggling. That fall two regiments of British soldiers arrived. In 1769, Governor Bernard was recalled on petition of the Assembly. Then duties were removed on all articles except tea, the obnoxious tax upon which caused a general boycott of that staple commodity, the ladies stipulating to forego their favorite brew. In 1770 came the Boston Massacre and its criminal trials. The first Committee of Correspondence was then suggested by James Warren, and within a year or two they were established in every town. Castle William and Boston Harbor were taken from provincial control. In 1771, Hutchinson was made governor of Massachusetts and Benjamin Franklin was appointed agent to present the grievances of this province at the court of St. James. In 1772, the Assembly protested against the payment of provincial officers by the Crown, and a British ship, the Gaspée, was burned in Providence River. In 1773, Virginia and Massachusetts joined hands through their committees; the letters of Hutchinson and Oliver, acquired by Franklin, were sent to Boston. In December of this year came the famous tea-party on the Dartmouth. In 1774, Chief Justice Oliver was impeached, Paine and Leonard taking opposite sides. The citizens refused to pay for the tea destroyed and

the port of Boston was closed. Hutchinson sailed for England and a solemn covenant not to use imported goods was signed. Then came the Continental Congress and the discomfiture of the leading Tories; next year, Lexington and Bunker Hill; and the cry for independence was in the air.

Such issues had divided the Province into political parties. The supporters of the administration were called Loyalists and Tories; their opponents who claimed that its policy was narrow and unjust, were Whigs or Patriots.[1] The Tories of the Revolution were the logical heirs of Andros, Randolph, Dudley, and the champions of Stuart absolutism. Out of the administration of Governor Shirley arose a new Court Party, successors to the ancient Cavaliers; this party included the Hutchinsons, Olivers, Leonards, Ruggleses, Sewalls, Winslows, and their kind. They stood for an aristocratic order of society and upheld the union of church and state. The Tories called themselves the Law and Order party, maintaining the prerogative of the Crown, and defending the supremacy of British law throughout the empire. The Whigs claimed that they, too, were loyal, because they recognized the executive functions of the Crown and the sovereignty of Great Britain. As it was not the original thought of the Tories to appeal to the iron hand

[1] Insurgents and reactionaries they would be called to-day.

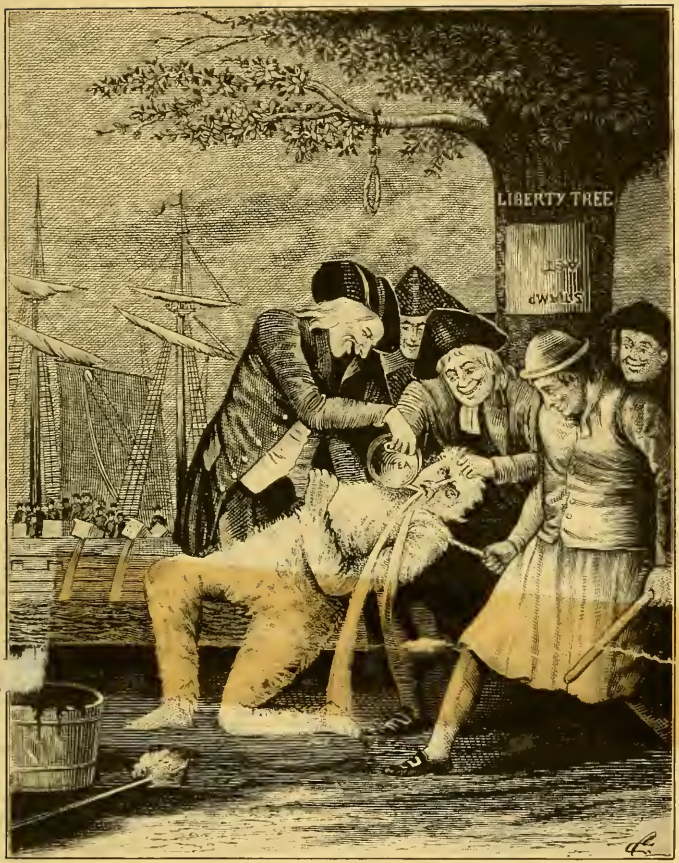
of monarchy, so it was not the early aim of the Whigs to separate from England. Time and circumstances drove both parties to measures they had not originally proposed. To support Parliament, the Tory became a defender of arbitrary measures, and the Whig, to preserve fundamental rights, became the advocate of an American Democracy. Much barrel-head oratory was heard about ballot-boxes in place of a king, for the selection of officials.

Leonard, having served in the office of Colonel White and married his daughter, was the logical candidate for the position of King's Attorney, which he secured in 1769. The young barrister of twenty-nine entered upon the position, just vacated by his father-in-law, with the enthusiasm of a rising lawyer. Paine was better qualified for the place; not only was he older, but, being obliged to earn his livelihood by the law, he was a closer student. If Paine had had the "pull," the office would have gone to him and the whole current of his life might have been changed.

In assuming this title of "King's Attorney," Leonard began forging the chains which fastened him to the English throne. While making pleas in the name of the King, and referring so often to "His Majesty," he was mechanically becoming a Loyalist, as much as if taking command in a regiment of British troops. He had sworn to per-

form his duty in opposing lawless acts and preserving order, and measured swords with the leading counsel of the Old Colony in pleas of the Crown. He came to know the might of the British Empire, then mistress of the world, and he was proud to honor his King, although he could feel that the name "King" was becoming hateful to the populace. He saw nothing to gain and all to lose in joining the Whigs, whom the lordly Tories contemptuously spoke of as "a mob of blustering, bellowing patriots." Though the spirit of patriotism was often cased in a husk of turbulence and lawlessness, the finer sentiment of freedom and liberalism was instinctive with the educated orthodox clergy and many cultured minds. Leonard had been rated a Whig until 1772, when he showed symptoms of the turncoat. Though suspected as a renegade, he gave no specific cause for open censure until 1774, upon his vote against the impeachment of Judge Oliver. Then malevolence dogged him, and only previous popularity saved him from assault.

Much could be said in extenuation of Leonard's course. He was one of the young bloods, popular in the clubs of lawyers at Providence and Boston, and a frequent guest of the Pilgrim Society in Plymouth. It required great force of will to break with his many associates. To renounce allegiance to the Crown would not only cut off his in-



SONS OF LIBERTY PERSECUTING A TORY

come, but bring upon him the contempt of the Boston aristocracy, whose friendship he valued socially. His vacillating mind was weighing in the balance the question whether the present movement would be put down as a rebellion or justify itself as a revolution. England received a million pounds of annual revenue from the colonies, and could hardly afford a war, Leonard reasoned; but he saw that the most high-toned were on the side of the administration; while a vulgar rabble constituted the vast majority of the Patriot forces. The satisfied class, who had wealth and social position, the Episcopal clergy, the conservatives, the Crown officials put absolute trust in the power and justice of their sovereign.

The patriots were, of course, eager to humiliate those who leaned toward the King, and feeling their power grow, as the chasm widened, gave the Loyalists choice of persecution or banishment. A Tory, they declared, was a man whose head was in London while his body was in America, and whose neck, therefore, ought to be stretched. Tory estates were despoiled and the names of their owners published as betrayers of their country; men would not associate with them in buying, selling, or worshipping; they could scarcely purchase the necessities of life; millers would not grind their corn, laborers would not hire out with them; Tory pulpits were nailed up.

Taunton became a centre of fiercest hate of the Tories. The Patriots were too much in earnest to tolerate pronounced Loyalists as neighbors. Lines were drawn in families, severing brother from brother. The Committees of Safety looked with longing eyes on estates to be confiscated. The minister, judge, colonel of the regiment, scholar, and capitalist were threatened with indignities — "Insults more to be deprecated than death itself," wrote Leonard. The bitterness of the Patriots was shown by their fertility of invention. To one Tory they would send, as a gentle hint, a box containing a halter; another was lowered in a well and there imprisoned overnight; again, they would cut the hair and tail off a Tory horse and paint its body fantastically; sometimes they drummed a man out of town, or, setting him on a rail, gave him a spectacular ride about the streets; others were burned in effigy or fastened to whipping-posts. Their wigs were pulled off; cow-bells were hung around their necks; family portraits were set up as targets for sundry missiles.[1] A King's Attorney was a shining mark for Whig attacks.

Leonard's apostasy was accelerated in the spring of 1774. One morning his neighbors were sur-

[1] Tradition says that Mr. Edson of Bridgewater was placed inside the carcass of one of his slaughtered oxen, his head swathed with entrails, and thus drawn on a cart through his native town.

prised to see Governor Hutchinson drive up to his door. A long conversation took place under a tree which, fifty years later, was still pointed out as the "Tory pear tree." The Governor had come there to bring his skill to bear on the young attorney, and bind him to the Tory cause. When Hutchinson returned home, Leonard was safely inoculated with the loyal virus. Mercy Warren, in her satire, thus pictures the scene:

I trimmed and primped and veered and wav'ring stood,
But half-resolved to show myself a knave,
Till the arch-traitor, prowling round for aid,
Saw my suspense and bade me doubt no more.
He gently turned, and smiling took my hand,
And whispering softly in my listening ear,
Showed me my name among his chosen band,
And laughed at virtue dignified by fools;
Cleared all my doubts and bid me persevere
In spite of the restraints or hourly checks
Of wounded friendship, and a goaded mind,
Or all the sacred ties of truth and honor.

Hutchinson, constantly threatened, asked the King's permission to visit England; and sailed June 1, 1774, to hold his notable interview with George III.[1] Upon his departure from Boston, the Tory

[1] Hutchinson was soured because the mob sacked his house and burned his library, which Governor Hopkins of Rhode Island commanded, hoping it might keep him from writing any more history.

barristers sent him an elaborate address of good-will and esteem.[1]

[1] The address is as follows:

A firm persuasion of your inviolable attachment to the real interest of this your native country, and your constant readiness, by every service in your power, to promote its true welfare and prosperity, will, we flatter ourselves, render it not improper in us, barristers, and attorneys-at-law, in the Province of Massachusetts Bay, to address your Excellency, upon your removal from us, with this testimonial of our sincere respect and esteem.

The various important characters of Legislator, Judge, and first Magistrate over this Province, in which, by the suffrages of your fellow-subjects and the royal favor of the best of Kings, your great abilities, adorned with uniform purity of principle, and integrity of conduct, have been eminently distinguished, must excite the esteem and demand the grateful acknowledgement of every true lover of his country and friend to virtue.

The present perplexed state of our public affairs, we are sensible, must render your departure far less disagreeable to you than it is to us. We assure you, sir, we feel the loss; but when in the amiable character of your successor, we view a fresh instance of the paternal goodness of our most gracious sovereign, on the probability that your presence at the Court of Great Britain will afford you an opportunity of employing your interest more successfully for the relief of the Province, and particularly for the town of Boston, under their present distress, we find a consolation which no other human sources could afford.

Permit us, Sir, most earnestly to solicit the exertion of all your distinguished abilities in favor of your native town and country upon this truly unhappy and distressing occasion.

We sincerely wish you a prosperous voyage, a long continuation of health and felicity and the highest rewards of the good and faithful.

We are, Sir, with the most cordial affection, esteem, and respect Your Excellency's most obedient and very humble servants:

Robert Auchmuty	Sampson S. Blowers
Jonathan Sewall	Shearjashub Brown
Samuel Fitch	Daniel Bliss
Samuel Quincy	Samuel Porter
William Pynchon	David Ingersoll
James Putnam	Jeremiah D. Rogers
Benjamin Gridley	David Gorham
Abel Willard	Samuel Sewall
Andrew Cazneau	John Sprague
Daniel Leonard	Rufus Chandler
John Lowell	Thomas Danforth
Daniel Oliver	Ebenezer Bradish

The signing of this address, and two months later the acceptance of the office of Mandamus Councillor, were the clinching proofs of Leonard's Toryism. He conducted his last case at the Taunton Court-House, June 14, 1774, and not long after paid the penalty of adherence to the Crown by exile. With Leonard's incumbency ended for all time the office of King's Attorney in Bristol County.

Chapter XIII

A Cause Célèbre

The stones of King Street still are red,
And yet the bloody red-coats come,
I hear their passing sentry's tread,
The click of steel, the tap of drum.

Holmes.

FOR thirteen years, Paine had been practising in a variety of petty cases, when Fame suddenly gathered him into her family, and carried his name into the American Colonial capitals from Boston to Williamsburg. By chance, he took a leading part in the trials following the street affray known as the Boston Massacre. This event, pivotal in Paine's career, and as significant to Boston as the battles of Lexington or Saratoga, was annually commemorated by a Fifth of March Oration, in which matters of greatest political importance were brought to public consideration. This holiday competed with the Fourth of July for several years after the Revolution. The annual orator received four yards of cloth for a new suit of clothes; the injured survivors of the fray stood by the door with beseeching open palms. A hundred and twenty years after the "Massacre" the Commonwealth of Massachusetts commemorated it by an eagle-crowned column on Boston Common,

not quite certain whether it was the memorial of a lawless street riot, or of the first martyrs in the War for Independence. The real issue involved was, not so much that citizens had been killed, but whether, in time of peace, Parliament could quarter a standing army upon a town without its consent.

When the British fleet, in October, 1768, sailed into Boston Harbor, bringing two regiments of scarlet-coated soldiers to be quartered upon the town, it required but a slight knowledge of Yankee nature to foresee that one of the inevitable crises in history was about to occur. Here was a provincial capital of eighteen thousand inhabitants who tried to keep the Ten Commandments, seldom attended theatres, frowned on frivolities, went to "meeting" three times on the Lord's Day, and sat content so long as there was no invasion of what they considered their natural right of local self-government. Into this community came the British regiments, not only for an odious political purpose, but bringing the morals and manners of a European army to shock the Puritan provincials by their brawls, profanity, coarse pastimes, and parades on Sunday. They came ostensibly to prevent smuggling and protect citizens; but really their presence was a threat. The Writs of Assistance, the Stamp Act, the Townshend regulations — these had aroused

the indignation of the people, and George III, through his ministers, North and Hillsborough, had begun his short-sighted policy of humiliating Massachusetts. For a year and a half mutterings steadily increased. A boy had been killed; citizens were carrying cudgels as they walked the streets. The atmosphere was overcharged and a storm was imminent.

March 5, 1770, dawned, — one of those crystal mornings when a kindly Providence has spread a fleecy, diamond-studded mantle over the earth to conceal its ugliness. The shedding of blood seems foreign to so chaste a setting. Yet on this day shots were fired whose echoes did not cease till Yorktown. The fight occurred in front of the Old State House. Every school-boy knows how the troops came marching out for evening exercise under Captain Preston; how pedestrians and street urchins taunted them, shouting "Lobsters," "Bloody-backs," and flinging snow-balls, turnips, ice, and staves; how the soldiers endured this baiting until the infuriated Preston gave the word to fire; how the mulatto street-leader, Crispus Attucks, and several others fell, the first victims of the Revolution.[1] The bodies of the

[1] Three, Attucks, Maverick, and Caldwell, were killed outright. Two of the victims clung to life for several days and one dragged out a miserable existence for years. Over this same spot, in 1854, a marshal's posse conveyed another colored victim, Anthony Burns, escorted home to slavery be-

BOSTON MASSACRE, 1770, BEFORE OLD STATE HOUSE

dead were escorted to the Granary Burying-Ground by the largest concourse ever gathered, till then, at a Boston funeral, men riding in from all the countryside; and the day passed with a calm control of civic passion, the soldiers being held within their quarters. No revenge was attempted; all the talk was of legal redress. The law took its course, as Governor Hutchinson, from the State House balcony on the night of the tragedy had proclaimed that it should. Attorney-General Sewall was ill, and in any event probably preferred not to conduct the prosecution, and mentioned Paine, his friend of many years, as prosecutor — a suggestion approved by the Boston selectmen and Sam Adams. Samuel Quincy was retained as Paine's associate. For the defence John Adams came forward, thus giving a signal instance of his love of justice, and guaranteeing a fair trial to the British offenders; with him Josiah Quincy acted as consulting counsel. These four attorneys had lived almost as neighbors; and the twelve "good men and true" of the jury came also from the southern outskirts of Boston. Paine and Quincy drew the indictments with legal nicety.

William Warren, not having the fear of God

cause law and morality were at variance, — his suspenders cut to prevent a sudden dash for liberty.

before his eyes, but being moved and seduced by the instigation of the Devil and of his own wicked heart, did assault one Crispus Attucks, then and there being in the peace of God, and that he, the said William Warren, with a certain hand gun of the value of twenty shillings which he, the said William Warren, held in both his hands charged with gunpowder and two leaden bullets, then and there, feloniously, wilfully, and of his malice aforethought, did strike, penetrate, and wound the said Crispus Attucks in and upon the right breast a little below the right pap of him, the said Crispus, one mortal wound of the depth of six inches and of the width of one inch; and also thereby giving to him, the said Crispus, with the other bullet aforesaid so shot off and discharged by the said William Warren as aforesaid, in and upon the left breast, a little below the left pap of him, the said Crispus, one mortal wound of the depth of six inches and of the width of one inch, of which said mortal wounds, the said Crispus Attucks then and there, instantly died.

The prosecution sought to prove:

I. Whether the five persons said to be murdered were in fact actually killed.

II. Whether they or any of them were killed by the prisoners, or any of them.

III. Whether such killing was justifiable, excusable, or felonious.

IV. And if the latter, whether it was manslaughter or murder.

Captain Preston, at a special trial, was acquitted. The other prisoners pleaded not guilty. Samuel Quincy opened the case in prosecution; Josiah Quincy in the defence. For five days, the court-house was packed to hear the evidence. The eyes of Massachusetts were turned on Paine, and all the colonies were looking on, as he rose to sum up the case from the people's side. The Court had sat for eight days; everybody was wearied; Paine himself greatly fatigued in sifting evidence and preparing his brief; and the Scotch stenographer gave out before Paine finished. His argument was: that the conduct of the inhabitants was no justification for the fire of the soldiery, who were in no real danger of being beaten or wounded, because the citizens were acting on the defensive; that the order to fire was unjustifiable, and so the prisoners were plainly guilty of murder. He reasoned from the common law and a sense of justice; a part only of his argument is preserved. Gentlemen of the Green Bag may like to read a paragraph and catch Paine's style of addressing a jury.

It now remains to close this cause on the part of the Crown, a cause which, from the importance of it, has been examined with such minuteness and protracted to such length, that I fear it has fatigued your attention, as I am certain it has exhausted my spirits. It may, however, serve to show you, gentle-

men, and all the world, that the benignity of the English law, so much relied on by the counsel for the prisoners, is well known and attended to among us, and sufficiently applied to the case at the bar. Far be it from me to advance, or even to insinuate anything to the disparagement of that well-known principle of English law, in support of which, the counsel for the prisoners, last speaking, has produced so many authorities; nor should I think it necessary to remark particularly on it, but that it has been traced through so many volumes, and urged with so much eloquence and zeal, as though it were the foundation of their defence, or at least an argument chiefly relied on. But if you consider this sort of reasoning for a moment, you will be sensible that it tends more to amuse than to enlighten; and without great caution may captivate your minds to that principle of law, which is endeared by the attributes of mercy and benignity, while it draws you entirely from justice — that essential principle, without which the laws were but an empty sound. Justice, strict justice, is the ultimate object of our laws; and to me it seems no hard task to maintain, that the attribute of benignity or mercy, can be ascribed to nothing abstracted from that of justice; that a law all mercy, would be an unjust law; and therefore, when we talk of benignity, we can understand nothing more than what is comprehended in Lord Coke's observation on our law in general, "that it is *ultima ratio*," the last improvement of reason, which, in the nature of it, will not admit any proposition

to be true, of which it has not evidence; nor determine that to be certain, of which remains a doubt. If, therefore, in the examination of this cause, the evidence is not sufficient to convince you, beyond reasonable doubt, of the guilt of all, or of any of the prisoners, by the benignity and reason of the law, you will acquit them. But, if the evidence be sufficient to convince you of their guilt, beyond reasonable doubt, the justice of the law will require you to declare them guilty, and the benignity of the law will be satisfied with the fairness and impartiality of their trial.

Paine began in one afternoon and concluded the following noon. John Adams made the closing plea for the prisoners, with exhaustive citations from Crown Reports, introducing classical allusions, and dwelling on the benignity of English law. The jury returned in two hours and a half. They declared Weems, Hartigan, MacCartey, White, Warren, and Carroll not guilty; the defendants had been pelted with sticks, ice, and stones, in anger; their action was justifiable homicide. Kilroy and Montgomery were guilty of manslaughter. Adams, astute, familiar with the loopholes of the law, and having regard for the obligations of humanity, pleaded for "benefit of clergy." The sentence was commuted by the judges, and instead of dangling from the gallows, thanks to John Adams, the culprits held up their

hands and set their teeth while a hot iron sizzled on the balls of their thumbs. That was redress for the death of five civilians!

Paine was disappointed in the verdict, but he had conducted the case with spirit, and won the acclaim of the leading Whigs of America. The acquittal of Captain Preston did not meet public approval. In a few days the town poet burst forth in lines which were found posted on the Town-House door:

> To see the suffering of my fellow towns-men,
> And own myself a man, to see the *court*
> Cheat the injured people with a shew
> Of *justice*, which we ne'er *can taste* of,
> Drive us like wrecks down the rough tide of power,
> While no hold 's left to save us from destruction, —
> All that bear this are *slaves*, and we are such,
> Not to rouse up at the great call of Nature
> And free the world from such domestic *tyrants*.

Chapter XIV

The Great and General Court

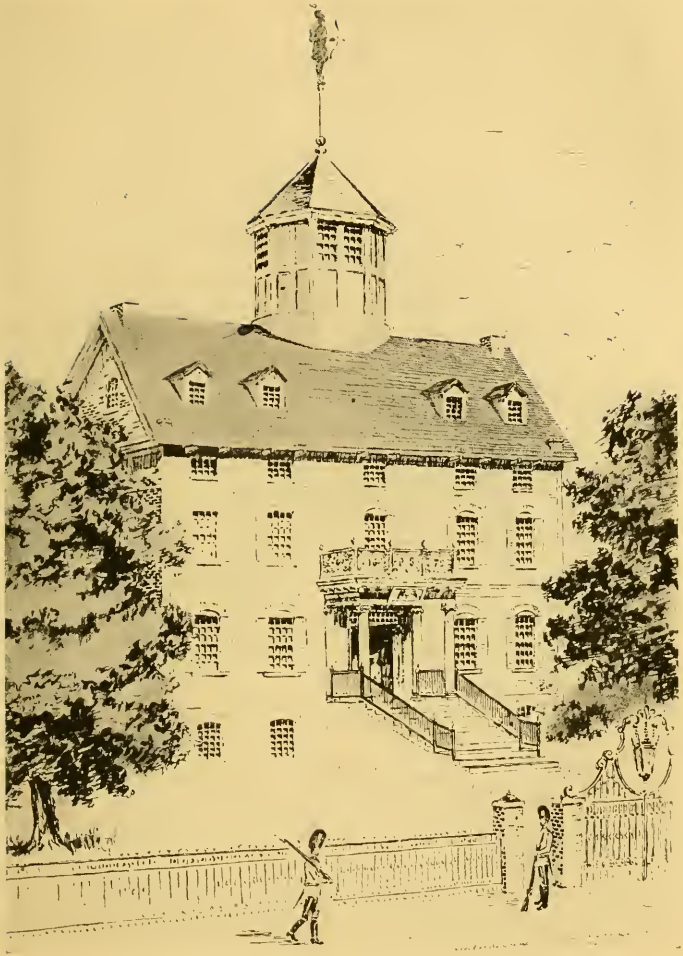
I aim at nobler objects, what say you to politics — the general assembly? — Macaulay.

ONCE in practice, the next ambition of the young lawyer is to secure a seat in the Great and General Court, that he may widen his web to catch more flies. Leonard was Colonel White's political legatee, much as White had caught the mantle of his father-in-law, Squire Williams. So it came about that Leonard, after stepping into White's shoes as King's Attorney, became a candidate for Representative at the May elections. Burke once said the best way to relieve private griefs is to devote attention to public affairs. There was much sympathy for the young lawyer, not yet twenty-nine, who had lost his beautiful bride. He had shown unusual faculty in debate; his mind was well cultivated and vigorous; his warmth of heart and liberality had given him a wide circle of friends. His father had a scheme to establish a new town out of Norton, North Precinct, and brought strong influences to bear. These were favorable elements in his canvass. With James Williams, Daniel was elected, and duly appeared in Boston, May 31, 1769, to take a new oath of fidelity to King George.

The first business of the Assembly was framing a preamble: "Whereas a military guard is kept with cannon pointed at the very door of the State House," etc. The members protested that legislating in the cannon's mouth was "inconsistent with the dignity and freedom with which the Assembly has a right to deliberate, consult, and determine."

Commonly, the members from the country, rough-spoken and redolent of tobacco, were inclined to be a little awkward and formal in manner, brusque, heavy-minded, not especially at ease with strangers. But this native of the timber-lands of Norton was never *rus in urbe*. If city dandies twitted him for carrying soil on his boots, he dusted them with his bandana and might answer, "Yes, yes, I am Lord of Acres." When the House had assembled and the presiding officer was appointing his committee to notify the Governor of the election of a Speaker, Leonard won a place, possibly by his polished appearance. The committee proceeded with pomp and dignity across to the Province House; notified Governor Francis Bernard that the House was organized and ready for business; and asked him if he would kindly point his cannon the other way.[1]

[1] Popular esteem for this Governor was never conspicuous; feeling now ran so high that some Harvard students cut the heart from a painting of him hanging in the College.



OLD PROVINCE HOUSE, BOSTON

Leonard was among those voting (June 29) to request King George to recall Bernard — the reason given being his published letters charged both houses of the General Court with "oppugnation against royal authority." Moreover, they wished for Governor a native of New England, who understood their traditions and ideals. Thereupon (July 16) Sir Francis testily prorogued the Assembly. Leonard went over to the Royal Exchange Tavern, where an indignation meeting was held, and after a stormy discussion, promoted by rounds of punch, he hitched up his chaise, put a bag of grain under the seat, and started to report to his constituents at home.

Two or three short sessions of the Legislature were held in the course of a year. During one of the interims Leonard had again married.[1] He was now in possession of a new wife, new house, new revenue, and felt it proper to drive to Boston with a coach and pair, as no lawyer in the Province had ever done. So narrow were some of the streets that John Hancock must carefully look, as he drove in at one end, to make sure that Leonard was not driving in at the other.

[1] There is a custom in the Legislature of making a present to a Benedict during the session — a perquisite not to be overlooked by a scheming bride. Instead of two hundred and forty members as now, there were then but one hundred and forty-five in the Assembly.

Thomas Hutchinson became the acting Governor in place of Bernard recalled. Dr. Wheaton, whose son was Leonard's American agent in after years, was the Norton Representative, and Zephaniah Leonard came from Raynham.[1] Daniel introduced his bill to create a new town at the Norton North Precinct. This was duly enacted April 20, 1770, and Ephraim Leonard was appointed to notify the townspeople to hold a meeting to choose town officers. Ephraim Leonard chose the name "Mansfield," in honor of Lord Mansfield, Chief Justice of England, an eminent Tory, thus giving an intimation of the Leonard attitude in politics.[2] In this session the Taunton Representative secured an act to define the boundary of the "Precinct" between Taunton and Middleboro — a good job for Paine, then surveyor of highways in Taunton.

Governor Hutchinson convened the Assembly at Cambridge, in Philosophy Hall. This chamber, restored after the big fire, brought back to Leonard memories of the days when he fagged his brain over Bacon's "Essays," Newton's "Principia," or Locke "On the Human Understanding." Cambridge was displeasing to the Assembly on account of inadequate accommodations there and

[1] One year we find the town of Raynham paying a substantial fine for neglecting to return a member.

[2] A few years later the General Court repented its act and attempted, unsuccessfully, to change this unhappy name.

general inconvenience. The first business of the session of 1770, therefore, was to remonstrate against leaving Boston without necessity. The committee to draft the remonstrance consisted of James Bowdoin, Samuel Adams, John Hancock, Major Hawley, and Daniel Leonard; they represented that only twice before had the Court been removed, on account of smallpox in Boston, and that there was now no such necessity. The Governor refused to yield, alleging that the charter gave him the right to assemble the General Court wherever he chose. A second time Leonard was on the committee to make protest, and again the Governor put his foot down. Then the Assembly voted that it should hereafter meet in the Boston Town House, the committee to convey this resolution to the Governor being the two Adamses, John Hancock, James Warren, and Daniel Leonard. The House stubbornly refused to do any business, and on June 25 Hutchinson adjourned it to July 25, to meet at the same Philosophy Hall. The members nursed their wrath and sullenly met, only to send another remonstrance, with Leonard still a member of the committee. Hutchinson now adjourned the Assembly to September 26, again naming Cambridge as the place of meeting. There was no change in the attitude of either side, when it met, and a day of fasting and prayer was appointed for Octo-

ber 3, 1770. The appeal to Providence did not soften the obdurate Governor; and on October 9, the House voted, 59 to 29, to proceed to business "under absolute necessity." Hutchinson smiled.

The accumulating troubles of Massachusetts led the Assembly to appoint an agent in England, inasmuch as it was felt that the royal Governor did not represent the will of the people. The agent chosen to present the grievances of Massachusetts was a native of Boston, Benjamin Franklin, with a salary of £800. Leonard was much on his legs during the session, and so thoroughly imbued with patriotic zeal was he considered, that he was appointed on the committee to consider Franklin's report. In May, 1771, he was elected for the third time, and again drove to Boston, with General Godfrey as colleague. The friction between the Governor and Legislature was growing apace. As soon as the Assembly organized at Cambridge, the customary protest against this place of meeting was sent up by a committee (James Warren, John Hancock, Sam Adams, and Daniel Leonard), to which the Governor answered by adjourning them to July 25, 1772, — at Cambridge.

Leonard ran for reëlection in 1772 against Nehemiah Lyscombe,[1] but was seized with measles

[1] Lyscombe was a "political moth"; the fire blazed too brightly; this seems to be his sole appearance in provincial affairs.

at a critical point in the spring campaign and was defeated.

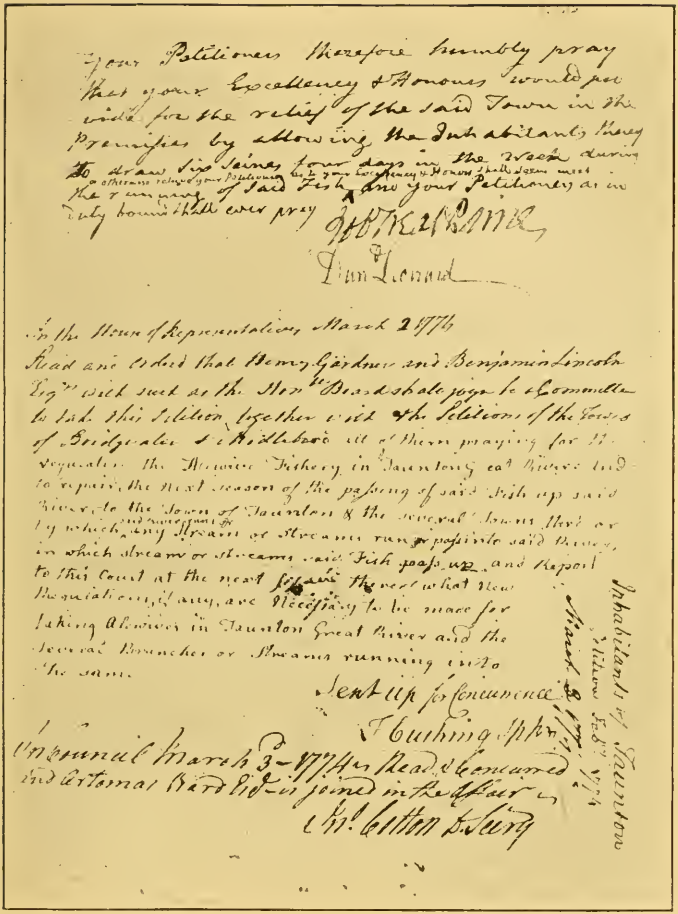
In May, 1773, the cry went up, "no taxation without representation," — a plausible excuse for independence. If Parliament had consented to representation, the colonists would have been bound closer to the mother country and there would have been no separation. The stress of the times demanded the ablest men for the General Court; and in Paine's diary we find this entry:

May 17, 1773. Dan'l Leonard and I chosen Representatives of the town.

Paine was now forty-two years old and had held various other offices, but this was his first election to the General Court. There had been many indications of his patriotic principles. His first office in Taunton was moderator of the town meeting; he was also on a committee to investigate an attempt to evade the revenue law in 1765; and he had been sent down to Boston in 1768 to a convention to protest against quartering troops upon the people. The title of "Honorable" was already prefixed to his name. In 1771 we find him assisting in the erection of the new court-house, and in repairing the jail. He was chairman of the Vigilance Committee of Taunton in 1773.

Both Representatives took an active part in

this session, serving on many committees. Leonard now bore the title of "Colonel" on the Journal. The first day of the session, Paine was on the committee to notify the Governor, as Leonard had been four years before. He was also one of a committee of nine to consider the Hutchinson and Oliver letters sent over by Franklin, as prejudicial to Massachusetts. Upon recommendation of this committee, another committee consisting of Thomas Cushing, John Hancock, Sam Adams, Major Hawley, and Daniel Leonard drafted a letter to the King asking the removal of Hutchinson and Oliver. Hutchinson immediately set about to win over Leonard to his views, and was successful, as we have seen. On the Committee of Correspondence, chosen by ballot May 28, 1773, were Speaker Cushing, John Hancock, Sam Adams, Elbridge Gerry, Daniel Leonard, and several others. Leonard's popularity at this time is shown by his selection in preference to Paine, from Taunton, a patriotic centre of importance. By the middle of the session, Paine waxes more prominent in the counsels of the House, while Leonard wanes. Paine, Cushing, and Sam Adams prepared a letter to the Earl of Dartmouth. Leonard and Paine introduced a joint resolution, that the County Court at Taunton should be holden in September instead of June, since it was important that members of the Legislature



Your Petitioners therefore humbly pray that your Excellency & Honours would provide for the relief of the said Town in the Premises by allowing the Inhabitants thereof to draw six Seines four days in the week during a otherwise relief your Petitioners as to your Excellency & Honours shall seem meet the running of said Fish and your Petitioners as in duty bound shall ever pray

Jos. Paine

Dan. Leonard

In the House of Representatives March 2 1774

Read and Ordered that Henry Gardner and Benjamin Lincoln Esqrs with such as the Honble Board shall join be a Committee to take this Petition together with the Petitions of the Towns of Bridgwater & Middleboro all of them praying for the regulation the Herring Fishery in Taunton Great River and to repair the next season of the passing of said Fish up said River to the Town of Taunton & the several Towns there or by which and every Stream or Streams run or passing to said River, in which stream or streams said Fish pass up and Report to this Court at the next Session thereof what New Regulations, if any, are Necessary to be made for taking Alewives in Taunton Great River and the Several Branches or Streams running into the same.

Sent up for Concurrence

J. Cushing Sphr

Inhabitants of Taunton
Petition Feb. 8th 1774
March 2 1774

In Council March 3d 1774 Read & Concurred and Artemas Ward Esqr is joined in the Affair

Jno. Cotton D. Secry

PETITION TO REGULATE HERRING FISHERIES, 1774

(Signed by Paine and Leonard)

be present, some of whom had business in both places in June.

The second session of the year convened January 26, 1774, in Boston. Paine, now better known, was on the committee to "Consider the State of the Province," and also to report what proceedings should be taken against the justices who persisted in accepting salaries from the Crown. In June, 1773, the Assembly had asked the Justices of the Superior Court whether they would receive grants from the General Court or take their pay from the Crown. All except Oliver signified their intention of receiving their salaries from the Assembly. On this committee Paine made a first draft of the letter of impeachment against Judge Oliver. A crucial test came on February 11, 1774, when the committee reported that Oliver should be impeached. Leonard voted against the report, with nine other Tories. On February 24, 1774, the Chief Justice was impeached by the most important committee of that session. Its members were Adams, Hancock, Paine, Hawley, Phillips, Heath, Thayer, Pickering, and Fuller.

March 3, 1774, a petition from Taunton to regulate alewife fishing, bearing the signatures, side by side, of Leonard and Paine, was granted.[1] We find them voting together to compensate

[1] Artemas Ward, Henry Gardner, and Benjamin Lincoln came to Taunton to adjust the dispute.

Thomas Leggett (presumably an inhabitant of Taunton) for his expense and trouble in "pursuing and bringing to justice one Hussy for theft." They walked together at the funeral of Lieutenant-Governor Oliver, when the militia officers were placed ahead of the Assembly in the parade, at which the latter, indignant, formed another procession. Three cheers were given over the grave by a few irreverent Patriots.

Paine was on a committee which drafted a letter of remonstrance to the incoming Governor Gage, in March, 1774, which Gage declared an insult to his predecessor and an affront to himself. The General Court adjourned March 8, and March 30 was dissolved by the Governor.

Leonard was drifting away from the Whig policies of his constituents, but under his lace and brocade beat a heart warm for friendship, and Taunton elected him for the fifth time in May, 1774, with Paine as colleague.[1] Though still loyal to his sovereign, Paine had developed liberal views, while Leonard, supporting the acts of the ministry, was endorsing the most abominable British tyranny. The Preamble of this volume is an attempt to picture these two Representatives as Leonard's coach creaked and swayed over the rough roads toward Boston, and momen-

[1] Dr. William Baylies, brother-in-law of Leonard, was sent from Dighton that year.

tous questions, which so strongly influenced their future lives, were being discussed—matters which Leonard afterwards put in his *Massachusettensis* papers, and Paine argued in the Continental Congress.

After a three days' session in Boston, Gage adjourned the Assembly to the Salem Court-House, June 7, 1774. Leonard was chairman of the committee to notify Governor Gage; he was also on a committee to consider building hospitals for smallpox cases. Paine was of a committee to draw up a new writ of elections; to bring in a bill for the prevention of bribery and corruption; also on committees to regulate "hawkers"; to consider petitions for the sale of lands; and to regulate the bills of credit of neighboring colonies. A petition of Felix Holbrook and other negroes, praying that they might be free, he shrewdly voted to refer to the next General Court. Paine's conscience may have twinged when he remembered how he had sold the negro, "London," in Carolina.[1]

[1] Both Paine and Leonard were slaveholders. In Paine's diary, August, 1771, we read: "This day I bought of Robert Caldwell an Irish servant lad named Michael Crooke, for four years from the first day of August inst." In October, 1774, Michael, with Captain Cobb's negro, Cato, ran away; they were captured at Bristol, and put in jail for ten days. The white slaves were indentured servants, chiefly from Ireland, and often we find such slaves buried beside their masters. Paine's wife wrote him, during his later absence in Philadelphia, that she bought a "mustee" servant from Cuba, "so pretty you

At this session, a committee was chosen ostensibly to consider "the State of the Province," but, as Sam Adams alone knew, really to select delegates to the First Continental Congress. The whole continent was looking to Massachusetts to appoint a time and place for this meeting. So popular was Leonard that in spite of his wavering, he was elected one of this committee of nine. To effect his purpose Adams required the utmost secrecy; the Governor's officials were watching closely. Any visible movement toward a general Congress would be thwarted, if discovered, by instant dissolution of the Assembly. The penetrating Adams saw it would be dangerous to have Leonard in his counsels; he must resort to strategy, or his scheme would fail. So the committee held official meetings, and under the clever manipulation of Adams, discussed nothing but vague propositions for conciliation. Every morning, Leonard punctually met with the committee and in the evening stealthily communicated its proceedings to Gage, representing that the Legislature would recommend conciliatory measures, that the rash act of converting Boston Harbor into a teapot would be paid for by the

must give her a pretty name." Paine christened her "Dolly." The town of Boston voted to abolish slavery in 1767, and June 14, 1774, an act was passed by the Legislature to prohibit the importation of negroes.

penitent "Mohawks," that the King's measures would prevail. Little did he suspect that every afternoon his committee was secretly meeting in a garret where Adams quietly perfected his plans. Gage relaxed his vigilance. To insure the success of his plot, Adams, "master of the puppets," now turns to his convenient friend, Paine, and engages him to induce Leonard to go home to Taunton under pretext of legal business.[1]

Having won over a majority of the House to his point of view, Adams precipitated his *coup d'état* on Friday, June 17. As soon as the Assembly came to order, the "smooth and placid Adams" locked the door and put the key in his pocket.

[1] An account of this strategy is found in Force's *Archives:*

Governor Hutchinson had been superseded by General Gage, who came as both a military and civil leader (commander-in-chief), and to him was committed the execution of the Boston Port Bill. Accordingly, agreeable to his instruction, after the General Court had met at the end of May, he adjourned them to meet at Salem, June 7. The Court, as soon as met, proceeded to organize itself as usual, one feature being to choose a committee of nine members to consider and report on the state of the Province, as the usage for many years had been. Thomas Cushing, having been chosen Speaker, had to put the question on the nomination of this committee. Eight persons were nominated and chosen, all considered firm in opposition to British measures; but by the mixture of nominations of both parties in the House, the name of Leonard was so repeated that the Speaker found himself obliged to declare him chosen.

Leonard was a man of radical good sense and eloquence, polite and of engaging address, and had been chosen several years as member for the town of Taunton, on the idea of his firm and able support of the opposition, in which his town was so determined; but on the prevailing address and salutation of Governor Hutchinson, he had changed his principles; and it was considered unsafe for the committee to enter into consideration of the state of the Province, on principles of opposition while he was present.

His confederates were carefully drilled for their parts; resolves were presented appointing a committee to meet on the first of September at Philadelphia, with instructions "to deliberate upon the wise and proper means to be by them recommended to all the Colonies for the recovery and establishment of the just rights and liberties, civil and religious, and most ardently desired by all good men." The Tory members were in uproar in their effort to defeat the measure. Under pretext of illness, one escaped by a window, and rushed to communicate the tidings to Governor Gage, who immediately sent a message of prorogation. Thomas Flucker, Secretary of the Province, hurried to the hall with this proclamation, but pounded on the locked door in vain. A crowd assembled, including some belated members of the Assembly, and to these, from the stairway, the messenger read the order. But Sam Adams and the enthusiastic Whigs within were "deaf," and proceeded to appropriate five hundred pounds for the expenses of the five delegates to Philadelphia. Then the door was quietly opened for Mr. Flucker to enter.

Paine, by spiriting Leonard away, had saved the day, and as reward for valuable service Sam Adams had placed him on the Congressional Committee, the only member from Massachusetts outside of Boston. On their way back to

HALL OF REPRESENTATIVES, OLD STATE HOUSE

(Here Paine and Leonard were members of the Assembly)

Boston the Taunton legislators learned of the proceedings at Salem. Thenceforward relations were decidedly cool between Paine and Leonard.

In December, 1774, the Provincial Assembly, of which Leonard was still, officially, a member, passed this resolve:

Tuesday, December 6, 1774, Afternoon.

Resolved, That the names of the following persons be published repeatedly, they having been appointed councillors of this province by mandamus, and have not published a renunciation of their commissions, viz.: Thomas Flucker, Foster Hutchinson, Harrison Gray, William Browns, James Bouteneau, Joshua Loring, William Pepperrell, John Erving, Jr., Peter Oliver, Richard Letchmere, Josiah Edson, Nathaniel Ray Thomas, Timothy Ruggles, John Murray and Daniel Leonard, Esquires.

These officials were further proscribed by this Provincial Assembly at Concord, March 31, 1775, when a committee reported as follows:

Friday A.M.

Resolved, That the names of the following persons be published in all the Boston newspapers, who, having been appointed Councillors by his Majesty's Mandamus, and having accepted, and acted under said commissions, have proved themselves implacable enemies to the liberties of their country, by refusing to publish a renunciation of their com-

missions, agreeably to a resolve of a former Provincial Congress: That the secretary be directed to transmit authenticated copies of this resolve, with names annexed, to all the printers in Boston, and that they be desired to insert the same in their papers, that every town may be possessed of their names, which are to be entered upon the town and district records, that they may be sent down to posterity, if possible, with the infamy they deserve.

After the war began the Assembly declared these High Tories, then in exile, to be traitors to their country and voted capital punishment upon them. Thus Daniel Leonard, forbidden to return under penalty of the halter, was posted in Taunton with the disgrace which attaches to a traitor. On the other hand, Paine had been proscribed by George III, to whom he had been reported by Hutchinson as "one of the busy spirits to be put down." In 1775, Paine and his brother-in-law, David Cobb, who succeeded Leonard, were sent to the Provincial Assembly at Watertown. Paine was again elected in 1777, when he served *pro tempore* as Speaker.

Chapter XV

The Continental Congress

These are the times that try men's souls; the summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now deserves the thanks and love of man and woman. — T. Paine (in 1776).

THAT midsummer journey of the Massachusetts delegates to the First American Congress in 1774, was akin to the Canterbury Pilgrimage. A modern Chaucer might divertingly relate the experiences of the four wayfarers as they travelled across country on their three weeks' drive to Philadelphia. Leaving the house of Thomas Cushing, in Bromfield Street, the foggy morning of August 10, they started with some parade to fulfil their instructions to "cement a lasting and permanent friendship with the mother country." The yellow coach and four, with mounted white guards in front and liveried blacks in the rear, took a turn around Boston Common, in sight of the British regiments there encamped, and rolled off to Watertown. As they passed the soldiers, one of the horses balked, until a British officer, pushing his head inside the coach, sardonically inquired if they had not harnessed in a Tory steed by mistake.

Sam Adams's admiring neighbors raised a purse

to fit him out with a new coat, breeches, hat, and wig. John Adams, the scribe of the company, had laid in quills and paper for his correspondence with Abigail. Paine, the most experienced traveller of the party, carrying a white canvas bag and ivory-tipped cane, played the rôle of jester. Speaker Cushing, "a harmless kind of man," was not quite so poor as his colleagues and could pay for tobacco and Madeira along the way; but having property at stake, Cushing was so indifferent to the experiment of independence that he was defeated for reëlection. Of this passenger list, Sam Adams was fifty-two; Thomas Cushing, forty-nine; Paine, forty-three; John Adams, thirty-eight; — all in the vigorous prime of life. Their route lay through Watertown, Southboro, Hartford, Wallingford, New Haven, Milford, Fairfield, Norwalk, Kingsbridge, to New York. There they stopped at the Bunch of Grapes Tavern for several days; then crossed the Jersey ferry to Elizabethtown, and so on to Princeton, Trenton, Bristol, and Philadelphia.

At Watertown they were regaled with a banquet; along the way, much notice was taken of them; their speeches and achievements had given weight to their names; the fact that Massachusetts was taking a prominent part in demonstrations against the Crown added to their popularity; church bells were rung as they passed; men waved

approval along the road, and good wives came to their doorways to eye them curiously. They travelled in the cool of the morning; tobacco smoke poured from the coach windows above the billows of dust which trailed behind. Many good stories were told inside, and very likely Paine entertained them with a song. There was a chance to study human nature, which discloses itself in such close companionship. John Adams, doctrinaire of the company, was not in good humor. He confided to Abigail as to this journey:

> No mortal tale could equal it. The fidgets, the whims, the caprices, the vanity, the superstitions, the irritability of some of us is enough to —"

Here words failed him. When Leonard was mentioned, even Sam Adams smiled as they told what a trick they had played on poor Daniel; but they grew serious at the thought of consequences, in case their mission should not prosper. Sam Adams, touchy, scheming, and velvet-fingered, was working out plans to manipulate the Congress. He wanted Massachusetts to govern America, Boston to govern Massachusetts, and himself to govern Boston.[1] As they jolted along, he instructed the

[1] The single name Adams means Samuel, not John; the latter discovered in Europe that he was not "the great Adams"; and Paine in 1776 found that there was another Paine greater than he in the minds of the people. When "Paine" was spoken of, it meant Thomas, not Robert.

company not to obtrude the special grievances of Massachusetts, but to have patience until the ferment of independence had worked to the surface. Major Hawley sent them a letter of advice, the upshot of which was *we must fight.*

This quartette of Harvard-bred comrades stopped to confer with college faculties along the route. Exuberant undergraduates at Yale, King's College, and Princeton came out to speed them on their way with lusty cheers. The travellers climbed church steeples, comparing them to the Old South for height and beauty of the panorama revealed; they visited booksellers' shops; they feasted on chicken, green goslings, peaches, and "muskmelons a foot and a half long." Choice china and silver teapots were brought out; unaccustomed curds and cheeses eaten — the fat of the land was none too good for them. Indeed Massachusetts delegates became so habituated to elaborate entertainments that once at a tavern they took possession of bountifully laden tables, supposing them spread in their honor — but were chagrined to find the banquet prepared for a bridal party momentarily expected.

At Milford, Connecticut, Paine took the party to the tomb of Robert Treat, to read the inscription showing that his ancestor had been Governor or Lieutenant-Governor for thirty years. At New York, the Connecticut delegates joined

them; and John Rutledge from South Carolina rode along in their party — a congenial friend to Paine, with whom he could compare notes and experiences among the rice plantations. At Princeton, President Witherspoon showed the orrery invented by Rittenhouse, over which Paine lingered with keen fondness for astronomy. By the time they reached Philadelphia, the delegates were not surprised to have the excited populace unharness the horses from their coach and draw it by hand through crowded streets. From the opening banquet at Watertown till they reached Mrs. Post's lodgings in Philadelphia,[1] they had been hailed as the restorers of invaded rights — there were cheers and hats in the air, and "huzzas for brave old Boston."

But they soon found themselves unhappy. Letters had been sent by some friends of the Government at Boston (of whom Leonard may have been one), representing the delegates as four "visionary adventurers," a notion that prevailed for some time. A year later, Chaplain Duché, of Philadelphia, wrote that the associates of John Hancock were "bankrupts, attorneys, and men of desperate fortunes." As Massachusetts men, taking the initiative in Congress, they must first

[1] Paine's bills for personal adornment, entertainment of friends, servant's expenses, care of his horse, and his own board and lodging are preserved in the Massachusetts Archives.

overcome this prejudice; next learn the character and disposition of other delegates; then place the case of Massachusetts before Congress so clearly that it could not fail to be understood; and finally must secure full colonial coöperation, without which Boston's heroic struggle would go for naught. The other colonists had been moulded by different influences and traditions. Would it be possible to reconcile the differences, to smooth away jealousies, establish a mutual understanding, unite all in a common cause, and create a nation of Americans instead of Virginians, New Yorkers, and New Englanders?

On the fifth of September the members marched over to Carpenter's Hall and opened session. They were a picturesque and motley company, eyeing each other with the curiosity and reserve peculiar to strangers. Their ostensible purpose was to consider the affairs of the country, and present a petition to the King for redress of grievances; but far-seeing men knew that this meeting was a long step toward independence. The several colonies presented their particular grievances to the Congress, but all eyes were turned to the Massachusetts delegates, who had the sympathy of the body on account of the Boston Port Bill. They met behind closed doors, and there is no complete journal of their proceedings. Putting our ear to the keyhole of Time,

however, we hear Paine pleading for unity of action and resistance to tyranny. The prosecutor in the Boston Massacre case and the impeacher of Oliver was sure of attention, though his temperament did not prompt fire-eating oratory against the King.

In the painting of the first prayer in Congress, we see Paine kneeling behind Edward Lynch. Had not the shrewd Adams considered it diplomatic to ask a Southern Episcopalian clergyman to lead in prayer, he might have explained to the members that Brother Paine had ministerial experience and have called upon him to ask the divine blessing. Paine's clerical affiliations were recognized by his appointment on committees to arrange for fasting and prayer.

The Provincial Congress of Massachusetts had sent an address to every minister in the Colony, urging assistance in opposing the tyranny of Great Britain. Most of them gave it, save Baptists, Quakers, and Episcopalians. The aggrieved Quakers and Baptists took this opportunity to try to gain relief from their disabilities and oppressions. Shortly after Congress opened, Isaac Backus, of Middleboro, and President Manning, of the College of Rhode Island, appeared in Philadelphia and invited the delegates from Massachusetts to meet them at Carpenter's Hall. Paine, John Adams, and Cushing went back

to the scene of the day's labors one evening, expecting to find a handful of gentlemen to confer with. As they entered the hall, it seemed as if Congress had met for an evening session. Many of the company had their hats on. Some forty Baptists and Quakers, "with fires gleaming under their broad brims," had met to tax Massachusetts with persecution of their sects and with restricting liberty of conscience. Invoking the memory of Roger Williams, they dwelt upon the persecution of the Baptists, and one Pembroke "bellowed loudly against Boston for hanging Quakers." The specific complaint was that citizens were taxed to pay for the Orthodox meeting-houses, and the support of the settled ministers. One case in point with the Baptists was that their sect had been compelled to contribute to the support of the minister at Ashfield.

The Congressional delegates, indignant at being summoned before this self-appointed tribunal which charged Massachusetts with religious persecution, protested in turn that her laws were the most mild and equitable in the world. Paine, who was the most thoroughly conversant with religious matters (having visited President Manning at Warren and attended Quaker general assemblies), was leading spokesman. He admitted that in earlier days the Baptists were compelled to pay a part of the general tax to support the

Orthodox Church, but pointed out that under the general toleration act the Baptists were released from ministerial rates upon certificates of being in the fellowship of their denomination; and declared that the Massachusetts laws were just.

The next day the Baptists sent a communication to Congress saying that the conference was unsatisfactory, and they must seek further redress. Manning, cool in the patriotic cause, if not actually wishing the King's success, went back to Rehoboth to declare, in an intemperate moment at a council of Baptists, that there was not a member of Congress that might not be bought, and he knew Parliament had determined to buy them; that the Congregationalists of the North and Episcopalians of the South had joined forces to crush the Baptists between them.

This was the most representative Congress ever assembled in America; composed, not of politicians, but of men of recognized capacities in various lines, including many good speakers. Rutledge, Stockton, Heywood, Lynch, Middleton, Pinckney, and Lawrence, educated in England, brought an air of elegance to the body.[1] A part

[1] The men of greatest abilities and influence in this Congress were, says President Stiles: Samuel Adams, John Adams, Samuel Ward, Silas Deane, Matthew Tilghman, Peyton Randolph, Richard Henry Lee, Henry Middleton, John Rutledge, Thomas Lynch, Christopher Gadsden, Edward Rutledge, Stephen Hopkins, Colonel Bland.

only of the radicals had been concerned in calling this Congress; it was not legally constituted, nor did it have any authority for meeting by existing statutes. Many members were appointed by a small minority of their neighbors. The first days were spent in determining how members should vote. Paine was appointed upon the committee to draft rules of debate. The session lasted from September 5 to October 27. Its work was largely social, bringing all sections into mutual sympathy and a sense of unity. Recognizing a dinner as the best way to promote harmony and good fellowship, the Philadelphians arranged a grand banquet for the members. The sentiment of the majority being still for conciliation, this toast was given at the dinner:

May the soul of the parent never be stained by the blood of the children.

The Quakers decided this was a prayer, and filled up their glasses. Reconciliation was ostensibly the purpose, but the two Adamses and Paine were for making arms and gunpowder, since Parliament had forbidden their exportation to America.

Paine was not so zealous as Sam Adams for immediate independence; his blood was colder. He did not play the part of a whipper-in, but followed rather than led opinion. Though stanch in spirit, he was cautious and hesitant, acting as a

brake on the wheel.[1] But he read the signs in the skies. At a party once given by Mr. Mifflin to Dr. Witherspoon, the Rutledges, Lee, Adams, and others, Paine gave this toast:

May the collision of British flint and American steel produce that spark of liberty which shall illuminate the latest posterity.

Philadelphia was hospitable. After the fatigues of the day, the delegates, perhaps rather homesick, were glad to go to any place where there were bright ladies, a good cook, and a cellar of choice wine. The New Englanders thought Philadelphia inferior to Boston in the tone of morals, religion, spirit, and language — but admitted that it had a better market and more charity foundations.[2] A contemporary news item from a Philadelphia paper discloses gayeties attendant on that first Congress which hurt the Quakers.

The time of dissolution of Congress draws near, and all good Christians view its approach with calmness. All the plays, parties, and such will be given up.

[1] Seated in Congress, February 9, 1776, John Adams writes: "Mr. S—— Adams, Mr. Gerry, and myself now compose a majority of the Massachusetts delegates; we 're no longer vexed or enfeebled by divisions among ourselves, or by indecision or indolence."

[2] In an asylum Paine discovered one Ingraham whom he had convicted of horse-stealing in Taunton.

Coming home, Paine left the other delegates at New York, took a sloop to Newport, visited Dr. Stiles, to whom he presented the Bill of Rights and Grievances, the Transactions of Congress, the Association for Commercial War, and the addresses to the English Colonies and Canada. He completed the journey by packet to Swansea, where he hired a boatman to row him to Taunton. A rousing reception by the Sons of Liberty welcomed him on November 12, 1774.

The Second Continental Congress met in May, 1775. Paine set out April 24, with Richard Deane as "waiter." To show the patriotic zeal of Taunton, a troop of ten horse accompanied him out of town to protect him until he joined the hunted Adams and Hancock at Worcester. The party entered New York with grand escort. War had already begun at Lexington and Concord; Ticonderoga had been captured and conciliation defeated in Parliament, though advocated by the powerful Chatham. Congress politely addressed a communication to "His most excellent and gracious Majesty," but constituents at home were burning King George in effigy. When messengers in trepidation brought the address to the King, the Earl of Chatham bowed so low in presenting it that the gentlemen-in-waiting saw his hooked nose between his legs. George III with a scowl handed the missive over to Lord North

and the screws of oppression were given another turn. Britain was not only fighting with her colonial army, but was preparing a fleet to beset the coast and destroy American commerce. Congress must act promptly to meet attack and invasion. Washington was made commander-in-chief and war measures at large were adopted. In the selection of a general, Paine did not agree with John Adams. There is reason to believe that he had his friend, Hancock, in mind for the post, although in the presence of Washington, who sat with immovable face, in military uniform, he suggested that his college friend, Artemas Ward, would be a wise selection. When Adams, without warning, nominated Washington, Paine followed the majority, and later he found the General convenient as a postman, to carry letters to his wife on the northward journey.

In this Second Congress Paine was recognized on committees for fasting and prayer, and also for securing ammunition and providing barracks for cavalrymen. He was chairman of the committee to devise ways to introduce the manufacture of saltpetre, together with Richard Henry Lee, Franklin, Philip Schuyler, and Thomas Johnson. Thus he rendered valuable service in securing gunpowder, an essential agent in effecting American independence. Paine wrote from Philadelphia, July 6, 1776:

I have long since thought that the manufacture of arms and ammunition was an essential object of attention and have accordingly applied myself intensely to it.

Again:

America can never support her freedom until we have a sufficient supply of arms of all species among ourselves.[1]

He issued a circular describing the manufacture of gunpowder and went about the country seeking the precious article; bearing in mind that only because of empty powder-horns were the farmers driven back from Bunker Hill. After Philadelphia was captured and its powder factories lost, France came to the rescue.[2]

[1] In a letter about saltpetre, he says: "It must afford great satisfaction to every town in the United Colonies to defeat the evil designs of their enemies in any respect; and it will gratify me to have attempted it, though, unfortunately it should not succeed. And without some effort, I fear it will e'er long be said, that we have become slaves, because we were not industrious enough to be free."

[2] A letter written to Elbridge Gerry from Philadelphia, June 10, 1775, exhibits Paine's patriotism:

My very dear Sir:

I cannot express to you the surprise and uneasiness I received on hearing the Congress express respecting the want of gunpowder; it was always a matter that lay heavy on my mind; but the observation I made of your attention to it, and your alertness and perseverance in everything you undertake, and your repeatedly expressing it was your opinion that we had probably enough for this summer's campaign, made me quite easy. I rely upon it that measures are taken in your parts of the continent to supply this defect. The design of your express will be zealously

A committee to devise a plan to put the militia in proper state for the defence of America (appointed June 24, 1775) included Paine, Benjamin Harrison, Stephen Hopkins, Christopher Gadsden, John Dickinson, and William Flynt. On July 19, 1775, Paine, Lewis, and Middleton were made a committee to establish a hospital. Paine returned home in August and immediately rode up to survey Bunker Hill.

The Third Congress met September 5, 1775. Paine did not go on with the Massachusetts delegation; but the first week in September, Mrs. Paine and a new baby were doing so well that the Congressman and Richard Deane, his valet, rode away again. Paine was on a committee

attended to, I think. I have seen one of the powder-mills here, where they make excellent powder, but have worked up all the nitre; one of our members is concerned in a powder-mill at New York, and has a man at work making nitre. I have taken pains to inquire into the method. Dr. Franklin has seen saltpetre works at Hanover and Paris; and it strikes me to be as unnecessary, after a certain time, to send abroad for gunpowder, as for bread; provided people will make use of common understanding and industry; but for the present we must import from abroad. Major Forster told me at Hartford, he suspected he had some land that would yield nitre; pray converse with him about it. Dr. Franklin's account is much the same as is mentioned in one of the first of the American magazines; the sweeping of the streets, and rubbish of old buildings, are made into mortar, and built into walls, exposed to the air, and once in about two months scraped and lix-iv-i-a-t-ed, and evaporated; when I can describe the method more minutely, I will write you; meanwhile, give me leave to condole with you the loss of Colonel Lee. Pray remember me to Colonel Orne, and all other our worthy friends. Pray take care of your important health, that you may be able to stand stiff as a pillar in our new government.

I must now subscribe with great respect and affection,

Your humble servant,

R. T. Paine.

to visit Canada and secure coöperation with that colony, if possible, and to make a treaty with the Indians. Both armies were eager to enlist Indians, realizing how their barbarities would strike terror into the hearts of the enemy. Washington, who knew that in time of battle Indians could not remain neutral (war being their normal occupation), especially urged that treaties be made to secure them to the Colonial side. Paine had been at Crown Point in 1755, and accordingly was put on the committee (November 1, 1775) to repair to the northward and confer with the Indians. Others on the committee were: General Philip Schuyler, John Langdon, Robert Livingston, and Eliphalet Dyer. One thousand dollars was appropriated for the excursion. When the council of Onondaga Indians met the commissioners at Albany in December, the natives gave each of the white men a name in their own language. Paine was christened "Currensehee" (interpreted as "bearer of good news"), by which we may infer that he told these Indians of his life in their country on the Crown Point expedition.

When the question of an American fleet was under discussion, Paine favored postponing the matter, on the ground that the "whole continent would be mortgaged." And again, he did not believe that the quartermaster should keep a

"slop-shop"; and he thought Congress should not agree to clothe the soldiers, but leave it to voluntary private donations.

Richard Henry Lee moved for a Declaration of Independence on June 7, 1776; John Adams immediately and heartily seconded the motion. The crowning glory of Paine's life came on the Fourth of July, when he carved his name on the portals of History; though it was not until August 2 that he appended his signature to the immortal document now preserved.

Paine did not write down an analysis of his emotions on this occasion, nor state what flush of high ardor came to him on that summer evening, as he pledged his life, property, and good name for our republic.[1] He merely records in his diary: "July 4, 1776. Cool. This day the independence of the states voted and declared." One point is noteworthy — the weather was cool. We know that the heat of early summer had bred an insufferable swarm of flies in a neighboring stable which hastened the signing of the document.

Of the fifty-six signers of the Declaration, thirty-four were Episcopalians; twelve were Congregationalists; five or six, Presbyterians; three,

[1] William Ellery said: "I was determined to see how they all looked as they signed what might be their death warrant. I placed myself beside the secretary, Charles Thomson, and eyed each closely as he affixed his name to the document. Undaunted resolution was displayed in every countenance."

Quakers; one a Baptist; one a Roman Catholic. Of the Massachusetts delegation, Sam Adams, John Adams, Paine, and Hancock were Congregationalists, Elbridge Gerry an Episcopalian. Thus, two thirds of those who pledged their lives as godfathers of the new nation belonged to the very church by whose dictatorial tone the American people had been offended. A controversy with the Church of England had created schism in many places and aroused violent sectarian feeling. Deists and Freethinkers were on the side of liberty.

The founders of our nation did not incorporate any religious belief in their political documents.[1] Washington, while President, said: "The government of the United States is not in any sense founded on the Christian religion." Thomas Paine became a strong influence when his essay on "Common Sense" came out in 1776; and Robert Treat Paine wrote, July 6, 1776, after signing the Declaration of Independence, "There is too much Calvinism apparent."

The principles of the founders will live on, but in a thousand years, newer liberties and justice undreamed of in our philosophy may arrive. Truth moves forward forever. The Declaration was but

[1] Writing to Benjamin Kent, John Adams said: "I hope Congress will never meddle with religion further than to say their own prayers."

a single milestone in the never-ending progress of human rights. It guarantees to every one the opportunity to find his level — the right to rise above environment — or, as Lowell puts it, to be his own oppressor. Under it every man is King. Its best feature is its affirmation of ideal truths, not the list of grievances against George III.

A year before Paine put his name to this manifesto, proclaiming all men created free and equal, he had been the owner of a slave.

This letter from Paine, written in the Fall of 1776, shows how his time was occupied:

Our public affairs have been exceedingly agitated since I wrote you last. The loss of Fort Washington made way for that of Fort Lee; and the dissolution of our army happening at the same time, threw us into a most disagreeable situation. The interception of an express, gave the enemy full assurance of what they must have had some knowledge of before, the state of our army; and they took the advantage of it. In two days after their possession of Fort Lee, on the 20th of November, where we lost much baggage, and the chief of our battering cannon, they marched to the Hackensack, and thence to Newark, driving General Washington before them, with his 3000 men — thence to Elizabethtown. General Washington supposed, from the best information he could get, that they were 10,000 strong; marching with a large body of horse in front and a very large train of artillery. We began to be

apprehensive they intended for Philadelphia, and Congress sat all Sunday in determining proper measures on the occasion. I cannot describe to you the situation of this city. The prospect was really alarming. We could not calculate on a force sufficient to defend the city on such a sudden call. General Lee was on the other side of the Hudson River, and no hope could be expected from Ticonderoga. But to work we went — the associations of the city were drawn forth, and about 3000 men, with some artillery, marched. The country associations were called upon, but there was no expectation of immediate relief from them. As the week advanced, we had repeated advices from General Washington, of the unopposed approach of the enemy, headed by General Cornwallis. On Monday we were informed that they had arrived at Brunswick, and that Washington was retreating to the west side of the Delaware. We sent many Continental stores into the country, and great numbers of the people are moving. The shops have not been opened since Sunday; and there was a real apprehension that we should be routed. I need not tell you what our calculations were on the expectation of losing this city. I had called in my accounts and prepared matters for a regular retreat: But on Thursday we found the enemy had not crossed the Brunswick River. By an officer of my acquaintance, who went with a flag to the enemy, to exchange a prisoner, we learned that they were about 6000 strong; and were surprised to find Newark and Elizabethtown evacuated

by its inhabitants; that they knew the state of our army, which induced them to make the excursion. The enemy are in possession of a large part of New Jersey; and the remaining part is greatly distressed by their approach. But I hope this affair will rouse them from that lethargy which occasioned this excursion. Had their militia been alert and resolute, and given General Washington the support they might have done, these events had not happened; but carelessness and apathy have been the lords of our ascendants this last month. It is to no purpose, however, to scold. Let us carefully ascertain our past errors, and amend them. Sunday, 8th: Congress were called this morning, on advice that General Howe had joined General Cornwallis with a large reinforcement, and was marching to Princeton. This measure induces us to think, that the expedition is against Philadelphia. Monday, 9th: Yesterday General Washington crossed the Delaware, and the enemy arrived at Trenton, on the east side, thirty miles from this place: Close quarters for Congress! It obliges us to move; we have resolved to go to Baltimore.

When Lord Howe and Cornwallis moved on Philadelphia in December, 1776, and Congress in alarm fled to Baltimore, Paine put eight bottles of port wine in his stateroom before embarking; but he soon changed plans and started for home. While crossing the North River Ferry his portmanteau went overboard; his horse died *en route*, but he secured another, put his chaise on runners;

dined with Governor Trumbull of Connecticut; and reached home New Year's Eve, 1777.

Paine did not return to Philadelphia, though elected for the year 1777 (year of the three gibbets the British soldiers called it). He was engaged in field work for the Congress; this letter to Gerry explains his whereabouts:

Boston, April 12, 1777.

My Dear Sir,

I have before me, your kind letter of February 14th, and have delayed writing merely because I was in expectation of collecting something solid and decisive respecting some public measures, but matters seem to be worrying on at a strange rate; the regulating act, though framed with the greatest care and good intentions, and though called for by almost everybody, is now reprobated by many and obeyed by few. Many that are supposed good judges in the mercantile way tell you, "that if silver and gold were passing instead of paper, the prices of goods would be as high, and that nothing but reducing the glut of paper currency will save the credit of it." No doubt goods would be higher in war than peace, and the act made provision for that, and meant to state such prices as silver would regulate in time of such war: but the glut of money is horrible. Yet while I lament the emission of such quantities, I can but recollect the occasion: taxation should have begun sooner, loans should have been coeval with the emission: but unhappily, govern-

ments were not sufficiently formed nor the people prepared in all of them for the former; and the seat of war drawing the bulk of the currency with it, made loans impracticable and disagreeable in other governments. The remedy is obvious: particular governments must emit no more, on pain of censure. Rhode-Island in particular must be watched most narrowly, or she will drown New-England with paper, and then suffer individuals to do all in their power to depreciate it; of which there are some shocking instances. We have begun taxation with an assessment of £105,000; and such has been the largeness of the bounties given by some towns, to raise the new army, as to equal their proportion of the public tax; which altogether falls as heavy again on individuals as it did last war. But the great evil lays here, for which some remedy must be found: the course of the war has thrown property into channels, where before it never was, and has increased little streams to overflowing rivers: and what is worse, in some respects, by a method that has drained the sources of some as much as it has replenished others. Rich and numerous prizes, and the putting six or seven hundred per cent on goods bought in peace time, are the grand engines. Moneys in large sums, thrown into their hands by these means, enables them to roll the snow-ball of monopoly and forestalling; and thus while these people are heaping up wealth and (what is very astonishing) doing everything to depreciate their own property, the remaining part are jogging on in their old

way, with few or no advantages; and the salary men and those who live on the interest of their money are suffering exceedingly. Let us now apply taxation to these circumstances. The man of visible property will stand highest in the valuation. It is exceeding hard to ascertain stock in trade; and with many of these people large sums come and go lightly: by this means they who are best able to pay the tax and circulate the money back to the fountain where it is wanted, escape with a very small proportion; while others who stand high in the valuation because they used to be so, are called upon for sums that bear hard upon their abilities. Cannot some mode be hit upon to draw money by taxation from those who are really the possessors of it? Might not an impost on privateers or their prizes be so contrived as to bring large sums to the treasury without discouraging that business? Why should one part of the community reap such large profits by a branch of business licensed by Congress, without contributing their proportion towards supporting government? It will eventually be serviceable to them, as it tends to secure their accumulated wealth from the enemy and from depreciation. If the southern governments say they are not ripe for these matters or do not need them, I hope they will consent to some useful measures for regulating matters with us. The lottery tickets came at last and sell rapidly; and I think the sale of the first class will ensure the sale of all the others: the plan is very popular. The loan tickets sell very fast, and I

INDEPENDENCE HALL
Philadelphia

please myself with the prospect of great profit from these branches. For Heaven's sake, let something be set a-going before these are exhausted. There must not be more money emitted, and all the colonial emissions must be called in as soon as possible.

I have wrote Mr. Hancock about our progress in cannon-making. They make good iron field-pieces at Connecticut and at Providence. I hear Mr. S. Adams was very ill at Baltimore, but I had the pleasure of hearing from his lady the other day that he was recovered. My compliments to both the Mr. Adams': I intended to have wrote them on particular subjects, but continual avocations render it impracticable. Pray describe to me, as nearly as you may, the situation of your affairs. Without any great skill in astrology, I calculate that you intend to send for me seasonably, before dog-days come on. I hope you are well and in good spirits. Remember me to Mr. Lovell. I wish to know to what pitch the price of living and expenses have arisen.

The House have passed a resolve calling upon towns to instruct their next Representatives to consult and form government: it now lays at the board. The smallpox is breaking out continually, — hospitals erecting in very many places. There are so many objects of importance to attend to, that one may well say in a political sense, the harvest is great, but the laborers are few.

I am your friend and servant,

R. T. Paine.

Chapter XVI

A Tory Absentee

True patriots all, for, be it understood,
We left our country for our country's good.
George Barrington.

INITIATED by Hutchinson and Oliver, an act of Parliament in 1774 increased the number of councillors in Massachusetts from twenty-eight to thirty-six. They were not elected by the General Court but were appointed by the Crown to inaugurate the new Trade Regulation Acts, and were known as Mandamus Councillors. The employment of leading Tories as officials unloosed popular rage against those "ministerial tools"; the thirty-six councillors named in the King's writ of mandamus became at once objects of persecution. When the Scarborough sailed into Boston Harbor, early in August, 1774, it brought the appointment of Leonard to this opprobrious office: and August 15, he was officially sworn in. When he came home and the news of his appointment spread through the neighboring towns, a thousand or more Sons of Liberty flocked to Taunton Green and waited upon Leonard, requesting him to recant his acceptance. But a man

of his temperament would not "swallow the oath" and submit to the humiliation of signing a letter of resignation. He had sworn allegiance to British laws, and had faith in the power of England to crush a rebellion of these undisciplined farmers. Ephraim Leonard (though at heart he, too, had Tory leanings), fearing bodily injury to his son, tried to reason with the throng and promised to influence Daniel to resign. He pleaded with the Whigs of whom Nat Leonard was the leader, not to demolish Daniel's house.[1] The savage chief, Philip, a hundred years earlier, was so attached to Leonard's grandfather that, in his mandate for killing all white men, he excepted his friend's family; but when the incensed neighbors and kindred of Daniel Leonard found him in league with the King's tyrannical representatives, they were ready to turn and rend even one of their own flesh and blood. Whatever his former services had been, the Patriots ignored them all. Always in the body politic is an element in which the combativeness of primitive man is uncontrolled and intemperate. When this irresponsible element finds it has the covert sanction of law-abiding citizens, a train of trouble is soon ignited. As soon as this class found public sentiment against Leonard, it saw a chance for mischief. The mob

[1] A mob later burned Oliver Hall at Middleboro, and carried away choice bits of furniture and plate as souvenirs.

marked him for a victim.[1] He was threatened and hooted until one night, foreseeing an outbreak, he prudently fled to Boston, leaving, like M'Fingal, "his constituents in the lurch." The next day a half-drunken rabble, not content to hurl brickbats at the house, fired bullets after nightfall into his lighted window, supposing that Deputy Sheriff Williams was lodged there.[2]

The startled wife and new-born son remained in Taunton a month; then one morning they were taken cautiously through the back garden to the Old Bay Road, where a coach was waiting in which they took final leave of Taunton.

It was August 21, 1774, that Daniel Leonard abandoned his home at Taunton Green, around which clustered his early hopes, loves, and ambitions; a spot also endeared to him by sorrow. Thenceforward, in the language of the law, he was an "absentee." Taine, disregarding the law of personal choice, says: that, given the race, place, and the minute, he would tell what a person would do under any circumstance. Could he have told that the Yankee Leonard, coming to this cross-roads, would not choose to ally his after life with his countrymen who were to build the

[1] The mob has been called the first-born child of oppression; English history affords some startling examples of mobs that were the offspring of delusion.

[2] One of the shutters, showing the bullet holes, is still preserved by the local Historical Society.

mightiest nation the world has lately seen, but, turning back the hands of the clock, would return to the land of his forefathers? Let us speculate a moment. In lieu of being posted on the Town-House door and publicly branded as an enemy to the rights and liberties of the United Colonies, Daniel Leonard, with other advisers, might have been the Representative of the Old Colony in Congress instead of Paine. Once present among those assembled statesmen,—Washington, Jefferson, Franklin, the Adamses, Morris, Lee, Hancock, Randolph, Sherman, Jay, Livingston, —his recognized abilities might have lifted him even to the chair later occupied by John Adams.

At first the Tories sought the protection of British bayonets in Boston. For nearly a year after the nineteenth of April, 1775, martial law prevailed. No merchandise was carried away; passes were required in and out of the lines; letters were opened and those who showed inclination to rebellion were arrested and roughly handled. The refugees talked over the extremities to which they were driven; how they were insulted, assailed, and barely escaped with their lives, or saved their houses from being burned and their property carried away by the insatiable mob; and how even the Loyalist ladies were pelted and abused with indecent billingsgate.

The persecution of Tories was not conducted haphazard by the "mushrooms," as the Sons of Liberty were derisively called. So early as November, 1772, Committees of Correspondence had been organized throughout Massachusetts, and in 1773 they were also formed in other colonies. These so effectively secured unity of action that France afterward imitated the scheme in her Revolution. Adams exclaimed in admiration, "What an engine!" Leonard, with Tory abhorrence, pronounced the scheme the "foulest, subtlest, and most venomous serpent ever issued from the egg of sedition." Paine was careful to be chosen chairman of this committee in Taunton.

Thomas Paine, in his "Common Sense," thus characterizes the Tories:

> Interested men who are not to be trusted; weak men who cannot see; prejudiced men who will not see, and a certain set of moderate men who think more of the European empire than it deserves. This last class, by an ill-judged deliberation, will be the cause of more calamities to this government than all the other three.

Leonard manifestly belonged to the fourth class. With King George, he would say: "To live and die an Englishman is good enough for me." He had read how Lord Shelburne predicted that with the loss of the American Colonies the sun of

England would set and her glories be eclipsed forever. The rebels were mostly of the middle and lower classes, encouraged by a knot of well-educated gentlemen, like Paine. In New England the Church of England as a body stood for loyalty. In the southern portion, Plymouth and Newport were Loyalist strongholds. In Virginia, the imprudence of Governor Dinwiddie had alienated the class to which Washington and Jefferson and the Anglican clergy belonged, but most of those who resisted lawful authority had little to lose.

Secretive "neutrals" kept their places and properties. Some, like Ephraim Leonard, would at a later day have been called "Copperheads." Their coating of patriotism sometimes wore through, revealing inner sentiments that endangered their lives. The Conservatives did not masterfully use their powers of public leadership, but stood aloof. A few of the younger men took up arms for Britain; in the whole country during the eight years of the War, some 20,000 Tories were enrolled with the British troops. In a measure it was a civil feud. The bitter animosity lasted to the third and fourth generation; persons now living remember how female descendants of Tory Gilbert could not disguise their scorn of the United States upon visiting the ancestral home at Berkley.

Crown officers, the "Stalwarts" of the To

party, considered the vengeance of their King not a whit more severe than just. Tories were licensed to "prowl for their own living" — making forages along the seaboard in sloops. They held that American farmers ought to pursue their private interests, improve their commerce, and cultivate their farms, but leave the regulation of the State to others more competent. In the face of the Boston Port Bill, Leonard wrote:

> If the Egyptian darkness that hovers over the land could be dispersed, people might see George III as a provident father of all his people.

Among the Tory gentry who, against their will, took up a residence in Boston that winter, were Taunton merchants, — Solomon Smith, William Borland, Gideon White, Tom Laughton, and Seth Williams.[1] Another, perhaps more distinguished, friend of Leonard was Dr. William McKinstry, who established himself in Boston, and was appointed by General Gage as Surgeon-General of Hospitals. Although the doctor was of high character and much esteemed, yet the fact that he dressed the wounds of Colonel Gilbert, the Loyalist, led to such unpopularity that McKinstry, sensitive and feeble in health, insured himself against insult by retreat.

[1] From Easton came Daniel Williams; from Dighton, Ebenezer Phillips; from Freetown Lot Strange. Henry Tisdale. Samuel Gilbert.

Colonel Gilbert, of Freetown, was a strong personality — the loyal watch-dog of southern Massachusetts. At the request of General Gage, he mustered 300 volunteers to overawe the Patriots. His forces were nicknamed "Gilbert's Banditti." The Sons of Liberty thought that his sentiments did not agree with the name of his town, and waited upon him to expostulate, after his followers had cut down the Liberty Pole at Berkley. The intended surprise was thwarted by a slave at work in the flax-field, who ran to his master. Gilbert hurried into the house and bade his servants make a great clash and jangle with iron chains, as if his house were full of armed soldiers, while he got out of a rear window and escaped through the woods to a British frigate at Newport.[1] Gilbert died in Nova Scotia aged eighty-two. After the family were expatriated, the occupant of the Gilbert house in Berkley dreamed one

[1] The Provincial Congress in April, 1775, unanimously declared that "Colonel Thomas Gilbert is an inveterate enemy to his country, to reason, to justice, and the common rights of mankind"; and that "whoever had knowingly espoused his cause, or taken up arms for its support, does, in common with himself, deserve to be instantly cut off from the benefit of commerce with, or countenance of, any friend of virtue, America, or the human race." Gilbert repaid the General Court in kind. He wrote to his sons from Boston: "Dear Sons, if these wicked sinners, the Rebels, entice you, believe them not. They are more savage and cruel than heathens, or any other creatures, and, it is generally thought, than devils."

night of hidden treasure. He arose in the morning and dug out of the cellar a couple of hinds-foot spoons that had been buried for fear of loot by the visiting posse.

Another eminent refugee and friend of Leonard was Dr. Benjamin Church, scholar, physician, poet, and quondam patriot, who wrote elaborate verses and epitaphs for his friends, and built a pleasant summer home at Nippenicket, which put him so in debt that he abandoned it to the Whigs. He conveyed news to General Gage for money; was convicted, banished, and lost at sea with his family in 1776.

George Leonard, a cousin, became a zealous Tory, took command of a loyal regiment and finally retired to Nova Scotia.

A number of these "High Tories" dwelt at the head of Quaker Lane in Boston. Shopkeepers along this lane kept bells on their doors, and when one of the Tories was observed passing by, the signal was given by ringing a bell, which was repeated down the line, and thus they were complimented until out of sight.

Even within the British lines, Leonard was not exempt from annoyance, and at night a sentry slept in his house for protection. Perhaps in this way smallpox entered his family, for conflict between the townspeople and the soldiers had spread that disease from the unsanitary British

barracks. Leonard writes that his whole family were then inoculated. We can picture them in their distress at the Boston pest-house, when that old joker, Rev. Mather Byles (whose son had performed Leonard's marriage ceremony), used to enter the hospital, stretching his arms in mock priestly benison, and dryly remarking: "Pox take 'em." [1]

Fear of indignities, and even of death, kept Leonard a prisoner in this little peninsula of Boston a year and a half. Provisions were dear, and Colonel Ephraim Leonard, from time to time, drove up to Roxbury carrying a leg of mutton or a side of veal for Daniel, but did not secure a pass to enter the town from dread that he would bring away varioloid infection. General Gage wrote home to his friends that he saw the roast beef of Old England only in his dreams; and the Patriots smiled to think of the town bull (aged twenty) served as the *pièce de résistance* at an English nobleman's dinner-table. Hunger came so close that rats, reading the handwriting on the wall, began to move out of town. Business was practically at a standstill. The poor of Boston were set to paving streets; asking for bread, they were given a stone. The inhabitants burned torn-down fences, houses, and even churches for fuel. British ships supplied the Mandamus Councillors

[1] *Pax tecum.*

with coal and provisions in preference to other Bostonians.[1]

To such dire straits did they at length subside,
"Hell, Hull or Halifax could be no worse," they cried.

Leonard's income from law practice was now cut off. Obliged to borrow from old friends and relatives to maintain his uncomfortable existence, he sought a position in keeping with his legal ability. When David Lisle, Solicitor to the Commissioner of Customs for Boston, died in February, 1775, Leonard was appointed in his stead. He held the place as a sinecure, the hostilities curtailing its former duties. What was most important, he drew the salary of £360 long after the authority of that board ended. The commissioners were practically a Court of Admiralty in Boston, which, before the disturbances, had been the largest port of entry in America, and Leonard was their counsel. He found leisure to frequent the Royal Exchange and Green Dragon Taverns. The summer of 1775 was a lively one for the shut-in town of Boston. Major-Generals Howe, Clinton, and Burgoyne had come with their

[1] Burns was satirizing the situation among his roystering tosspots in the tavern of Ayr, in such jargon as this:

"Poor Tammy Gage within a cage
Was kept at Boston ha' man,
Till Willie Howe took o'er the knowe
For Philadelphia, Man."

regiments; the active rebels had been forced to outlying towns, a few citizens withdrawing to Taunton. There were about 20,000 people in Boston, of whom 13,000 were soldiers. The social life was military. Earl Percy and the Province House maintained as sumptuous dinner tables as the limited Boston larders could afford. The *élite* of New England were represented in this community by the Vassalls, Lees, Olivers, Hutchinsons, Brattles, Brownes, Hallowells, to mention but a few. Leonard listened to stories of over-sea life and the tremendous power of Great Britain; laughing to think the provincial yeomanry should presume to defy the well-disciplined royal troops. There were daily parades on the Common, intended to overawe the Yankee farmers.

Then one still June morning, the town was awakened by the booming of cannon from the Somerset (anchored in the Back Bay where Beacon Street now lies), to find that breastworks had been suddenly erected during the night on Breed's Hill, in Charlestown. There was immediate activity among the soldiery to clear away the redoubt. Cannon were hastily mounted above the graves of the Mathers on Copp's Hill, and troops transported to Charlestown. Dr. McKinstry had arranged a Sunday dinner-party, but the guests left his table to take part in the assault. Let us picture Colonel Leonard at this party among

those who ascend to the roof of the house to watch the near-by battle, which was a Pyrrhic victory for the redcoats. As Leonard descends the stairs, after seeing Lord Howe and his troops twice repulsed by those despised provincial farmers, we imagine a new look in his face — something coming home to him about a struggle that might change the whole current of his life. The determination of those stout-hearted farmers, standing their ground against skilled troops, gives warning of his impending doom. He remembers what he had written about raw Provincials resisting His Majesty's Regulars.

After nearly two years in Boston, Leonard was once more ousted by the aggressive Patriots, and now must flee the country. When the British position became untenable, the Leonard family and other Loyalists sailed out of Boston Bay with the King's troops, March 17, 1776, and left stuffed dummies on Bunker Hill, bearing in their fingers of hay the message, "Welcome, Brother Jonathan!" Leonard took his household goods along and planned for a protracted vacation. In his house in Queen Street[1] the only remaining articles of value found by the confiscating agents were a fish-kettle, set of bed posts, some curtain rods, and a case of empty bottles.

The 20,000 Tories who fled from America dur-

[1] Now Court Street.

BRITISH IDEA OF ASSAULT UPON BUNKER HILL

ing the Revolution contribute a notable instance of the unstability of mankind. The Israelites going down into Egypt, the equinoctial migrations of Indians, Vandals descending on Rome, the Mohammedan pilgrimages to Mecca, Crusaders in quest of the Holy Sepulchre, Moors expelled from Spain, Pilgrims leaving England, Huguenots exiled from France, Napoleon's retreat from Moscow, dispersion of our Acadians, the Mormon hegira to Salt Lake City, Argonauts of '49 — to such historic movements of the human family must be added that refluent tide of exiled Tories. Thereafter New England was under control of the Whigs. The fragments of the American Tory party wandered in exile, became English pensioners or received grants of land in colonial subservience — some in Europe, some in Halifax, Canada, New Brunswick, Barbadoes, Bermuda, and St. Augustine.[1]

[1] General Washington wrote thus to his half brother, upon this occasion: "All those who took upon themselves the style and title of Government men in Boston, in short, all those who have acted an unfriendly part in this great contest, have shipped themselves off in the same hurry, but under still greater disadvantage than the King's Troops, being obliged to man their own vessels (as seamen enough could not be had for the King's transports) and submit to every hardship that can be conceived. One or two have done what a great number ought to have done long ago, committed suicide. By all accounts there never was exhibited a more miserable set of beings than those wretched creatures now are."

Paine wrote from Philadelphia after the siege of Boston, asking particularly about the conduct of the Tories, and what damage had been done to the town of his birth. "Tell me who of the Tories are left behind, how they behave, and what they say for themselves." Then he adds, "Have they carried off the lifeless carcass of the charter, as one of their party that was slain, or have they left it putrefying to contaminate the air?"

When the royal fleet was off Provincetown, they fired salutes and separated, part of them, carrying the troops, turning southward for New York, and the remainder bearing the Loyalists, who themselves made up the crews, steering eastward for Halifax. Among them we wave adieu to Leonard, wrapped in his heavy cloak against the blustering winds of March, as he paces the deck of the outgoing vessel, and sees the well-loved hills of Massachusetts fade into purple shadows in the mist thickening to westward. Are his thoughts bitter against fate and his old friends and neighbors? Does he realize that it will be a quarter of a century before he sees these hills again, and that nevermore will he be an American citizen?

Chapter XVII

The Massachusettensis Papers

Dare to have a purpose firm,
Dare to make it known!

P. P. Bliss.

WHILE Leonard was at college, the rising conflict between Liberty and Prerogative and their theoretical bearing upon life were much discussed, and the senior sophister had written theses on a subject which he was not old enough to comprehend. In 1766, as a member of a club of young lawyers, which included John Lowell, Elisha Hutchinson, Frank Dana, Josiah Quincy, and other college mates, he prepared arguments for and against the right of Parliament to tax the colonies — whether the subject could be taxed without his consent in person or by representative; whether Americans should be represented in Parliament, and such problems. With John Adams, he had puzzled his head on many committees of the General Court over the burning questions of the day. The intellectual strength of the colonies was expressing itself in political broadsides, pamphlets, epigrams; so these two young men sharpened their quills and wrote

for the press over assumed names (to avoid assault) at a time when newspapers were chiefly filled with voluntary contributions. In the discussions at the club of Boston barristers, each had evolved an individual style, and could express his thoughts with some clearness, force, and elegance. In 1774, therefore, they were prepared for the fusillade of arguments betwixt Whig and Tory. As human affairs turn out, it is not surprising to find the two comrades pitted against each other on the eve of the Revolution.

When Leonard found himself confined within the Patriot lines at Boston, in his bitterness at outrageous treatment he stoutly defended his position in the "Massachusetts Gazette," in papers signed "Massachusettensis." [1] These papers were at first attributed to Jonathan Sewall, but afterwards, an exiled Tory, Ward Chipman, acknowledged that he, a young law-student, copied them for Leonard in Boston during the siege. John Adams eventually credited them to

[1] Sewall disguised himself as "Philanthrop," and it is not strange to see Leonard Latinizing the name of Massachusetts. It was a day of pseudonyms, but not of "gentle reader," or "old subscriber," or "interested citizen." The classic taste is evidenced in such signatures as "Tacitus," "Pro Bono Publico," "Tranquilla," "Rusticus," "Candidus," "Solon," "Plain Heart," "Vox Vociferus in Eremo," "Aquilla," and "Amicus." Other Tory writers of Massachusetts who appeared under fanciful pseudonyms were Jonathan Sewall, Lt.-Governor Oliver, Samuel Waterhouse, Joseph Green, and John Mein.

Leonard. Benjamin Hallowell, introducing Leonard to Court authorities in London, says he had great merit as a writer.[1]

Dickinson, the "Westchester Farmer," had already published Tory articles for the Middle Colonies, to which young Alexander Hamilton was replying with spirit. In New England, good replies to "Massachusettensis" were demanded. John Adams, coming home from Congress, said of Leonard's papers, —

"they shone like the moon among the lesser stars, were well written, abounded in wit, proved good in every way, and were conducted with a subtlety, art, and address, wonderfully calculated to keep up the spirit of the party, to spread intimidation, and to make proselytes among those whose principles and judgment gave way to their fears. As week after week went by, the papers made an indelible impression on many minds. No answer appeared and I began to think seriously of the consequences, and concluded to write in reply."

Thus "Novanglus" undertook to counteract "Massachusettensis," until an appeal was taken from the pen to the harsher court of the sword.

[1] It seems remarkable that Leonard did not himself mention having written these papers, in his petition to the Crown for relief. In the Boston Public Library are listed, under Leonard's name, papers signed "Massachusettensis," written by a Tory as strictures against the administrations of Jefferson and Washington.

The papers of Adams abound in fine phrases, frequent quotations, illustrations, and legal citations, and contend that Parliament has no authority over the colonies except by their consent, as provided in their charters. Massachusettensis befriends the much-abused King, upholds British authority to regulate the internal affairs of the colonies, and maintains that there is no ground for constitutional resistance, since the acts of Parliament affect them no differently from other subjects within the three kingdoms.[1] We may admit that, while the articles are a trifle picturesque and exuberant, they give evidence of high culture, strong feeling, good reasoning, and literary power, although Stephen Higginson, a Boston merchant, writing the "Laco Letters" in flagellation of John Hancock, says: "Hancock had not, in fact, any more efficiency than the pen of the writer under the signature of 'Massachusettensis.'" There are figures of speech in these letters which remind one of Leonard, the boy, at Norton. The Whigs endeavored to gild over their resolves against Parliament by professions of loyalty to the King, but Leonard sneered — "The golden leaf is too thin to conceal the treason." By his acquaintance with Hutchinson and

[1] Dr. Weir Mitchell, in "Hugh Wynne," unwarrantedly alludes to Leonard as the "foul-mouthed pamphleteer of Massachusetts."

other Royalists most learned in legislative and constitutional law, he had absorbed the knowledge he required to write these papers. They spun a web of plausible argument in defence of the Crown, and spread alarm among the Patriots.

Leonard, who had felt the fury of the mob, showed his contempt for the methods and tricks by which people are led into violent action. "Popular demagogues," he says, "always call themselves the people, and when their own measures are censured, cry, 'The people, the people are abused and insulted.' There is a propensity in men to believe themselves injured and oppressed, whenever they are told so." [1]

[1] An American historian thus sums up Leonard's argument:

His great business, therefore, was to convince them that they had been misinformed, that they were misled; that they were rushing onward under a frightful error and delusion; that the government had not overstepped its limits; that though some of its recent acts may have been bad in policy, not one of them was unconstitutional; that these acts contained no menace to the political safety, dignity, or happiness of the American colonists; that everything of value to them in character, duty, property, and life itself, was involved in their speedily discovering their mistake, casting off the sophists and demagogues who had beguiled them, and becoming once more good subjects of the just and splendid empire within which lay all their hopes for prosperity and happiness. Accordingly, so distributing these various topics as to mingle history, anecdote, warning, sympathy, sarcasm, invective, with acute discussions of constitutional law, of equity, of the higher aspects of policy, he shows great skill in knocking away, or in seeming to knock away, piece by piece, the argumentative structure under cover of which the Revolutionary agitators had succeeded in drawing a loyal and a logical people into courses of action both disloyal and dangerous. That the authority of the Imperial Parliament is and must be coextensive with the empire itself; that its authority in the American colonies is not invalidated by the circumstance that distance from the capital renders it impracticable for them to send members to Parliament; that no

A young man, John Trumbull, whom Leonard had seen while at Yale, was studying law in Boston in the office of John Adams, where Leonard was often a visitor. Trumbull in "M'Fingal" shows keen insight into Leonard's character. He writes:

> Did not our Massachusettensis
> For your conviction strain his senses
> . . . . . .
> Show clear as sun in noonday heavens
> You did not feel a single grievance,
> Demonstrate all your opposition
> Sprung from the seed of foul sedition.

This alludes to a paragraph in one of the "Massachusettensis" papers:

I saw the small grain of sedition when it was planted; it was as a grain of mustard. I have watched the plant until it has become a giant tree; the vilest

recent assertion of the taxing power of Parliament is new — is, in fact, anything but what has been peacefully exercised and safely granted from the beginning; that such taxation is contained in the very terms of the original settlement of the colonies; that in the doctrine of the supremacy of Parliament, according to the British constitution, is wrapped up our priceless claim to all the great rights and privileges of British subjects under that constitution — the rejection of the former carrying with it the destruction of the latter; that no American petitions to the Imperial Government have ever yet been rejected, excepting such as were so framed as to compel their rejection on the part of any government that had the least respect either for the constitution or for itself; that what are called American grievances are largely imaginary,— are charges trumped up by demagogues and conspirators as their stock in trade while fattening upon the generous confidence of a people, noble-minded but misinformed, and rushing toward misery and ruin, — such are the matters principally dealt with by this consummate debater.

reptiles that crawl upon the earth are concealed at the root, the foulest birds of the air rest on its branches. I never would induce you to go to work and cut it down, for twofold reasons; because it is a pest to society and lest it be felled suddenly by a stronger arm and crush its thousands in its fall.

Between November, 1774, and April, 1775, seventeen of Leonard's letters were published in several editions, on both sides of the ocean, as the best Tory argument written in America.[1] They were the final desperate effort of the New England Tories to write down the Revolution. Like Paine's argument on the Boston Massacre, they seem too heavy and academic to be read much now except by the student engaged in special research, for whose benefit the first of the papers is given in full.

A LETTER

Addressed

To the Inhabitants of the Province of Massachusetts Bay, December 12, 1774

My dear countrymen,

When a people, by what means soever, are reduced to such a situation, that every thing they

[1] An edition published at London in 1776 was advertised as "a series of letters containing a faithful state of many important and striking facts which laid the foundations of the present troubles in the Province of Massachusetts Bay. By a person of honor on the spot."

hold dear, as men and citizens, is at stake, it is not only excuseable, but even praiseworthy for an individual to offer to the public any thing that he may think has a tendency to ward off the impending danger; nor should he be restrained from an apprehension that what he may offer will be unpopular, any more than a physician should be restrained from prescribing a salutary medicine, through fear it might be unpalatable to his patient.

The press, when open to all parties and influenced by none, is a salutary engine in a free state, perhaps a necessary one to preserve the freedom of that state; but, when a party has gained the ascendancy so far as to become the licensers of the press, either by an act of government, or by playing off the resentment of the populace against printers and authors, the press itself becomes an engine of oppression or licentiousness, and is as pernicious to society, as otherwise it would be beneficial. It is too true to be denied, that ever since the origin of our controversy with Great Britain the press, in this town, has been much devoted to the partizans of liberty; they have been indulged in publishing what they pleased, *fas vel nefas*, while little has been published on the part of Government. The effect this must have had upon the minds of the people in general is obvious; they must have formed their opinion upon a partial view of the subject, and of course it must have been in some degree erroneous. In short, the changes have been rung so often upon oppression, tyranny, and slavery, that, whether sleeping or waking, they

are continually vibrating in our ears; and it is now high time to ask ourselves, whether we have not been deluded by sound only.

My dear countrymen, let us divest ourselves of prejudice, take a view of our present wretched situation, contrast it with our former happy one, carefully investigate the cause, and industriously seek some means to escape the evils we now feel, and prevent those that we have reason to expect.

We have been so long advancing to our present state, and by such graduations, that perhaps many of us are insensible of our true state and real danger. Should you be told that acts of high treason are flagrant through the country, that a great part of the province is in actual rebellion, would you believe it true? Should you not deem the person asserting it, an enemy to the province? Nay, should you not spurn him from you with indignation? Be calm, my friends; it is necessary to know the worst of a disease, to enable us to provide an effectual remedy. Are not the bands of society cut asunder, and the sanctions that hold man to man, trampled upon? Can any of us recover a debt, or obtain compensation for an injury, by law? Are not many persons, whom once we respected and revered, driven from their homes and families and forced to fly to the army for protection, for no other reason but their having accepted commissions under our King? Is not civil government dissolved? Some have been made to believe that nothing short of attempting the life of the King, or fighting his troops, can amount to high

treason or rebellion. If, reader, you are one of those, apply to an honest lawyer (if such an one can be found) and enquire what kind of offence it is for a number of men to assemble armed, and forcibly to obstruct the course of justice, even to prevent the King's courts from being held at their stated terms; for a body of people to seize upon the King's provincial revenue; I mean the monies collected by virtue of grants made by the General Court to his Majesty for the support of his government, within this province; for a body of men to assemble without being called by authority, and to pass governmental acts; or for a number of people to take the militia out of the hands of the King's representative, or to form a new militia, or to raise men and appoint officers for a public purpose, without the order or permission of the King, or his representative; or for a number of men to take to their arms, and march with a professed design of opposing the king's troops; ask, reader, of such a lawyer, what is the crime, and what the punishment; and if, perchance, thou art one that hast been active in these things, and art not insensibility itself, his answer will harrow up thy soul.

I assure you, my friends, I would not that this conduct should be told beyond the borders of this province; I wish it were consigned to perpetual oblivion; but alas, it is too notorious to be concealed; our newspapers have already published it to the world; we can neither prevent nor conceal it. The shaft is already sped, and the utmost exertion is

necessary to prevent the blow. We already feel the effects of anarchy; mutual confidence, affection, and tranquillity, those sweeteners of human life, are succeeded by distrust, hatred, and wild uproar; the useful arts of agriculture and commerce are neglected for caballing, mobbing this or the other man, because he acts, speaks, or is suspected of thinking different from the prevailing sentiment of the times, in purchasing arms, and forming a militia; O height of madness! with a professed design of opposing Great Britain. I suspect many of us have been induced to join in these measures, or but faintly to oppose them, from an apprehension that Great Britain would not, or could not exert herself sufficiently to subdue America. Let us consider this matter. However closely we may hug ourselves in the opinion, that the Parliament has no right to tax or legislate for us, the people of England hold the contrary opinion as firmly. They tell us we are a part of the British Empire; that every state, from the nature of government, must have a supreme, uncontrollable power, coextensive with the empire itself; and that that power is vested in Parliament. It is as unpopular to deny this doctrine in Great Britain, as it is to assert it in the colonies; so there is but little probability of serving ourselves at this day by our ingenious distinctions between a right of legislation for one purpose, and not for another. We have bid them defiance; and the longest sword must carry it, unless we change our measures. Mankind are the same, in all parts of the world. The

same fondness for dominion that presides in the breast of an American, actuates the breast of an European. If the colonies are not a part of the British Empire already, and subject to the supreme authority of the state, Great Britain will make them so. Had we been prudent enough to confine our opposition within certain limits, we might have stood some chance of succeeding once more; but alas, we have passed the Rubicon. It is now universally said and believed, in England, that if this opportunity of reclaiming the colonies, and reducing them to a sense of their duty, is lost, they, in truth, will be dismembered from the empire, and become as distinct a state from Great Britain, as Hanover; that is, although they may continue their allegiance to the person of the King, they will own none to the imperial crown of Great Britain, nor yield obedience to any of her laws, but each as they shall think proper to adopt. Can you indulge the thought one moment, that Great Britain will consent to this? For what has she protected and defended the colonies against the maritime powers of Europe, from their first British settlement to this day? For what did she purchase New York of the Dutch? For what was she so lavish of her best blood and treasure in the conquest of Canada, and other territories in America? Was it to raise up a rival state, or to enlarge her own empire? Or if the consideration of empire was out of the question, what security can she have of our trade, when once she has lost our obedience? I mention these things, my

friends, that you may know how people reason upon the subject in England; and to convince you that you are much deceived, if you imagine that Great Britain will accede to the claims of the colonies; she will as soon conquer New England, as Ireland or Canada, if either of them revolted; and by arms, if the milder influences of Government prove ineffectual. Perhaps you are as fatally mistaken in another respect, I mean, as to the power of Great Britain to conquer. But can any of you, that think soberly upon the matter, be so deluded as to believe that Great Britain, who so lately carried her arms with success to every part of the globe, triumphed over the united powers of France and Spain, and whose fleets give law to the ocean, is unable to conquer us? Should the colonies unite in a war against Great Britain (which, by the way, is not a supposable case), the colonies south of Pennsylvania would be unable to furnish any men; they have not more than is necessary to govern their numerous slaves, and to defend themselves against the Indians. I will suppose that the northern colonies can furnish as many, and indeed more men than can be used to advantage; but have you arms fit for a campaign? If you have arms, have you military stores, or can you procure them? When this war is proclaimed, all supplies from foreign parts will be cut off. Have you money to maintain the war? Or had you all those things, some others are still wanting, which are absolutely necessary to encounter regular troops, that is discipline, and that subordination whereby each can

command all below him, from a general officer to the lowest subaltern; these you neither have nor can have in such a war. It is well known that the Provincials in the late war were never brought to a proper discipline, though they had the example of the regular troops to encourage, and the martial law to enforce it. We all know, notwithstanding the province law for regulating the militia, it was under little more command than what the officers could obtain from treating and humouring the common soldiers; what, then, can be expected from such an army as you will bring into the field, if you bring any, each one a politician, puffed up with his own opinion, and feeling himself second to none? Can any of you command ten thousand such men? Can you punish the disobedient? Can all your wisdom direct their strength, courage, or activity to any given point? Would not the least disappointment or unfavourable aspect cause a general dereliction of the service? Your new-fangled militia have already given us a *specimen* of their future conduct. In some of their companies, they have already chosen two, in others, three sets of officers, and are as dissatisfied with the last choice as the first. I do not doubt the natural bravery of my countrymen; all men would act the same part in the same situation. Such is the army with which you are to oppose the most powerful nation upon the globe. An experienced officer would rather take his chance with five thousand British troops, than with fifty thousand such militia.

I have hitherto confined my observations to the war within the interior parts of the colonies, let us now turn our eyes to our extensive seacoast, and that we find wholly at the mercy of Great Britain; our trade, fishery, navigation, and maritime towns taken from us the very day that war is proclaimed: Inconceivably shocking the scene; if we turn our views to the wilderness, our back settlements a prey to our ancient enemy, the Canadians, whose wounds received from us in the late war, will bleed afresh at the prospect of revenge, and to the numerous tribes of savages, whose tender mercies are cruelties. Thus with the British army in the front, Canadians and savages in the rear, a regular army in the midst, we must be certain that whenever the sword of civil war is unsheathed, devastation will pass through our land like a whirlwind; our houses be burnt to ashes; our fair possessions laid waste; and he that falls by the sword, will be happy in escaping a more ignominious death.

I have hitherto gone upon a supposition, that all the colonies from Nova Scotia to Georgia, would unite in the war against Great Britain; but I believe, if we consider coolly upon the matter, we shall find no reason to expect any assistance out of New England; if so, there will be no arm stretched out to save us. New England, or perhaps this self-devoted province alone, will fall the unpitied victim of its own folly, and furnish the world with one more instance of the fatal consequences of rebellion.

I have as yet said nothing of the difference in sen-

timent among themselves. Upon a superficial view we might imagine that this province was nearly unanimous; but the case is far different. A very considerable part of the men of property in this province, are at this day firmly attached to the cause of Government; bodies of men, compelling persons to disavow their sentiments, to resign commissions, or to subscribe leagues and covenants, have wrought no change in their sentiments; it has only attached them more closely to Government, and caused them to wish more fervently, and to pray more devoutly, for its restoration. These, and thousands beside, if they fight at all, will fight under the banners of loyalty. I can assure you that associations are now forming in several parts of this province, for the support of his Majesty's Government and mutual defence; and let me tell you, whenever the royal standard shall be set up, there will be such a flocking to it, as will astonish the most obdurate. And now, in God's name, what is it that has brought us to this brink of destruction? Has not the Government of Great Britain been as mild and equitable in the colonies, as in any part of her extensive dominions? Has not she been a nursing mother to us, from the days of our infancy to this time? Has she not been indulgent almost to a fault? Might not each one of us at this day have sat quietly under his own vine and fig-tree, and there have been none to make us afraid, were it not for our own folly? Will not posterity be amazed, when they are told that the present distraction took its rise from a threepenny duty

on tea, and call it a more unaccountable frenzy, and more disgraceful to the annals of America, than that of the witchcraft?

I will attempt in the next paper to retrace the steps and mark the progressions that led us to this state. I promise to do it with fidelity; and if any thing should look like reflecting on individuals or bodies of men, it must be set down to my impartiality, and not to a fondness for censuring.

MASSACHUSETTENSIS.

Chapter XVIII

Taunton during the Revolution

'T was autumn, bright autumn, and glimmered the weir,
The Taunton flowed full on that beautiful day,
And kirtled wives gathered the flag-pole anear,
'Mid the old men at prayer and the children at play.
They saw the red flag in blue Liberty's dome
Wave o'er the valley, Equality's home,
And they heard the men say, while their own lips were dumb,
"We'll defend with our valor and virtue and votes
The red flag of Taunton
That waves o'er the Green."

BUTTERWORTH.

AT the outbreak of the Revolution, Taunton was a nest of rebels. A letter written in August, 1774, says of her Sons of Liberty:

They seem to be quite awake, and to have awoke in a passion. It is more dangerous being a Tory here, than in Boston, even if no troops were there.

The soil from which bricks, pottery and iron implements were fashioned, the coastwise shipping, the forests, the tanneries and the fact of its being the county seat, had combined to create a centre of some wealth and prominence. Taunton was relatively of greater importance than to-day. Its people were farmers, sailors, tradesmen, laborers, with a leisure class so limited as to be conspicuous.

Taunton during the Revolution

Before the Revolution, men came through thick mud to the town meeting in March, and gave vent to their patriotic zeal in stormy harangues. On High Court days, Taunton was a Mecca for the neighboring rustics who, if matters went against their grain, came cursing, shaking their fists, and shouting incendiary language.[1] The court was sometimes obliged to sit in the tavern, because the populace packed the court-room so full the judges could not enter. Excuses given for their conduct were: that fees and court charges were extortionate; that the commissions ran in the name of the King; that extremely obnoxious persons had been appointed to office, and so on. The Whig might appeal in vain to a tribunal that owed its existence to the Tory power. Abigail Adams wrote to John at Philadelphia, September, 1774:

I saw a letter from Eunice Paine wherein she gives an account of the breaking up of court last week in Taunton. Angier urged the court's opening and calling up the actions, but could not effect it, and she says there were two thousand men assembled around the court-house, sent by a committee of nine, who presented a petition requesting that they would not sit.

[1] A ringleader of these rebels was "Nat" Leonard, who acquired sufficient experience as mob-leader to secure an important command in the Patriot army.

In harrying out of their territory the offensive Loyalists, the Taunton Sons of Liberty directed particular vengeance against Colonel Gilbert of Freetown as herebefore stated. Assembling at Weir Bridge one autumn morning they waited on him to request that he decline the office of High Sheriff, warning him that if he did not, he must abide the consequences.

In September, 1774, a convention was held in Taunton of delegates from Berkeley, Dartmouth, Dighton, Easton, Mansfield, Norton, Raynham, Swanzea, and Taunton. Zephaniah Leonard was chosen chairman, and the celebrated Bristol County Resolves were drafted, akin in tone to the earlier Suffolk Resolves, expressing allegiance to the King, but demanding political rights. The Preamble reads:

WHEREAS, our ancestors, of blessed memory, from a prudent care of themselves, and a tender concern for their descendants, did, through a series of unparalleled dangers and distresses, purchase a valuable inheritance in this western world, and carefully transmitted the same to us their posterity; and whereas for many years past, we have quietly enjoyed certain rights and privileges, stipulated by charter, and repeatedly confirmed by royal engagements; which rights and privileges are now unjustly invaded by the pretended authority of a British Parliament, under pretext that it is inexpedient

for us any longer to enjoy them; and as the same persons which found out the inexpediency, will no doubt, in time, discover that it is inexpedient for us to enjoy any rights, and even any property at all; we cannot in justice to ourselves and posterity, and in gratitude to our reverend ancestors, tamely stand by and suffer everything that is valuable and dear to be wrested from us; but are resolutely determined, at the risque of our fortunes and lives, to defend our natural and compacted rights, and to oppose to our utmost all illegal and unconstitutional measures, which have been or may be hereafter adopted by a British parliament, or a British ministry. And though we deprecate the evils which are naturally consequent upon a breach of that mutual affection and confidence which has subsisted betwixt Great Britain and her colonies; yet we think it better to suffer those evils than voluntarily submit to perpetual slavery. We are sensible that the important crisis before us demands the exercise of much wisdom, prudence, and fortitude, and we sincerely hope that all our deliberation and actions will be guided by the principles of sound reason, and a hearty desire to promote the true interest of the British empire.

In October, a Liberty Pole was erected on Taunton Green, flying a red flag bearing the words LIBERTY AND UNION! UNION AND LIBERTY! The Taunton women were not behind their husbands in zeal for the principles expressed

upon the banner which, made with their own hands, now fluttered in the breeze. While Tory lawyers and ministers were summarily dealt with by the Patriots, the Tory doctors were generally treated more leniently. But when Dr. McKinstry was compelled to seek safety in Boston, his wife (a Leonard, cousin of Daniel) remained at home, and took no pains to conceal her contempt for the Patriots. Her neighbors endured her scorn for a while; then, one morning, these women of the New England Taunton, jealous because Mistress McKinstry was still enjoying her afternoon tea, proceeded to her house on High Street (as the women marched in Old English Taunton during Monmouth's Rebellion), dragged her from her fireside, marched her down to the Green, and around the Liberty Pole in humiliating token of allegiance.

In November, when Paine returned from Congress as chairman of the Committee on Gunpowder, he turned his attention and that of his wife's family to the making of saltpetre, leaching the mouldy earth found under old buildings for potash, lye, and sulphur.

The Committee of Correspondence and Safety was active, and (February 20, 1775) George Godfrey wrote that "three companies of minutemen" were in readiness; indicating the alacrity to follow the suggestions from Concord, where

Paine and Cobb were doing duty as members of the Provincial Congress. These minute-men were too far away to fight at Concord, but the next day were found among the gathering forces at Roxbury, dust-stained and footsore, under command of Captain James Williams.

Taunton Green was the *campus martius*. In earlier days, Indian captives were displayed here. The corseleted Standish and his followers had crossed it, as well as Captain Church, another Indian fighter. Soldiers on the Louisburg expedition trained upon it. General Sullivan stopped here with his troops on the way to his disastrous campaign in Rhode Island in 1778. Soldiers left here not only on April 19, 1775, but again, as many remember, on April 19, 1861. Captain Silas Shepard's troops departed hence for the defence of New Bedford during the War of 1812. The sod has throbbed to the tread of trainbands marching at muster for two hundred years. Once a year still the militia manœuvre upon the Green to preserve their perpetual right therein.

July 3, 1775, a Committee of Inspection, Safety, and Correspondence was chosen at town meeting. Nicholas Baylies, Colonel George Williams, and Captain John Reed were appointed to take charge of the estate and effects of Daniel Leonard, while some of their neighbors found occupation in picking over the financial remains of other de-

parted fellow-townsmen. Seth Padelford, one of many creditors, whom Daniel Leonard instructed in the law and whose note for £81 Padelford held, was appointed agent July 27, 1777; he found Leonard's personal estate to realize £156 6*s.* 1*d.*, or, reduced to silver, £68 4*s.* 11½*d.* The list of Leonard's creditors (some of whom he claimed were imaginary) included nearly every person in Taunton who had a spare pound.

The ravenous Whigs, debt-loaded and intoxicated by success, felt the power of numbers. Having little fear of punishment, a few gave loose rein to their passions and resorted to malice and violence. They held Loyalist property as free booty. Few dared to defend an absentee. By the practice of the court, when there was no appearance of a defendant he was defaulted and judgment entered without a jury of inquiry. On a general declaration for goods sold, labor performed, services rendered, or for money loaned, no evidence was required, not even the oath of the plaintiff. Within two years the defendant might bring writ and service for a new trial.

The court, upon recommendation, November, 1782, of a committee consisting of James Williams, Josiah Crocker, and Apollos Leonard, allowed claims against Leonard by Charles Durfee, John Tuck, Thomas Barstow, Mahitable Emett, William Baylies, David Cobb, Elijah

TAUNTON GREEN SOON AFTER THE REVOLUTION

Leonard's House indicated by arrow on left

Paine's House indicated by arrow on right

Dean, McWharter & Stevenson, Abijah Hodges, Susan Smith, Edward Winslow, Levi White, Ebenezer Sever, the County of Bristol, Abiathar Leonard, Dr. McKinstry's estate, Tabitha Briggs, Josiah Quincy, William Browne, Prudence White, Colonel George Leonard, William Baylies, Guardian Nancy Leonard, and Estate of Col. White.

Daniel Leonard acknowledged debts of £278 11*s.* 8½*d.* His property was sold when the British troops were victorious and the future value of land seemed small. In final adjustment the Leonard estate yielded, according to the report of July 5, 1783, at the rate of 2*s.* 6*d.* 1*f.* to the pound. May 16, 1783, George Godfrey and others, appointed to sell the property, had paid into the treasury the total sum of £3266.

As an inland town, Taunton was a Bethel of refuge for alarmed citizens of Boston and Newport. The refugees escaped the actual terrors of war along the seaports, but did not find themselves beyond the sound of hostilities. A man in Norton, putting his ear to a fence-rail, protested, in spite of scoffing skeptics, that he felt the vibration of cannonading at Bunker Hill; an old lady in Berkeley, some forty years afterward, declared that her china was shaken off the shelves during this battle, and she produced the cups, broken and cracked, to corroborate her story. Dr. Ezra Stiles, who came up to Dighton, records that he

plainly heard the sound of cannon at the siege of Boston, and at the battle of Long Island.

When the war broke out, the English held Newport, and a large number of timorous souls, largely women and children, came from there to Taunton for safety. The population of the town was something over four thousand. These people were a homogeneous race — from the south of England, interspersed with few foreigners, save some four hundred negroes, imported from Africa, and an occasional lingering red man, a few deported Irish convicts, a vagrant Dutchman, Frenchman, or wandering Jew. In this year 1909, we may ride in a trolley car with Scotch conductor and Irish motorman, sitting between an Englishman and a Spaniard; go to a French-Canadian barber's; send laundry to a Chinaman; have a colored maid to wait on the door; a Swede in the kitchen; a Portuguese in the stable; an Italian selling fruit; a Greek to shine shoes; Poles and Hungarians digging in the streets; a German conducting a bakery; a Filipino restaurateur; a South African calling for "junk"; a Russian Jew for alderman. This Babel of tongues forces home the fact that Taunton is becoming a polyglot cauldron of nationalities as diversified as the witches' broth in "Macbeth."

The influx of Newporters is evident in the necrology, kept by Deacon George Godfrey. From

these brief records, imagination readily constructs a homely picture of the life here with its varied human touches, and some of its local "characters."

Negor man of Daniel Leonard, Esq., died February, 1775.

Old Granney Macomber died 3d day of April, 1775.

John Cobb kill'd with thunder July 11, 1775. Allmost all ye Rest of ye family struck down.

Old William Simmons of Swanzey died in Taunton with drunkeness August, 1775.

Old Hope Tripe, Indian woman, died 19 May, 1776.[1]

Rev. Caleb Barnum Died as soposed August 22d day at Pittsfield, 1776.

Olde Deacon Brown of Newport Died August, 1777.

The wife of Mr. Barron from Newport died 1777.

The wife of Mr. Earle of Newport died November 27, 1777.

The daughter of Mr. A—— of Newport died November 27, 1777.

The negor Gerle of Abiel Smith drowned December 17, 1777.

[1] This Indian squaw, Hope Tripe, was probably the one who came to dinner at the Lincoln home one day, and, finding they were to have tripe for dinner, asked if she might cook it. They permitted her to do so, and as it sizzled in the skillet, the impatient woman found her mouth watering so that she could not wait until it was cooked, but began to eat it; by the time it should have been ready to serve, she had eaten the whole of it, which gave her that succulent name.

A poor Continental soldier named Bunn died at Lieut. Wm. Thayer's June, 1778.

Elizabeth Waldron from Newport died August, 1778.

Childe of Wm. Thurston from Newport died December 7, 1780.

The childe of Capt. Bently from Newport died some time this year.

Old Polorck the Jew died November, 1782, suddenly.

A certain Indian Squaw named Abigail Maboine died with drunkenness as supposed August 18 or 17, 1780.

Old Mr. Makepeace the oyster catcher died May 27, 1783.

Old Cuff Cobb, Late Negor of Thomas Cobb, Esq., June, 1784.

The negor woman formerly at Dr. McKinstry's died 1783.

Poor Anthony Fry drowned, soposed fell off Neck o' Land bridge, 1780.

The child of Beny Richmond he had of Betty Sole died Octob'r 14, 1782.

The women who gathered to make linsey-woolsey shirts and knit stockings for the soldiery did not lack for topics as they patriotically brewed their "liberty tea" of raspberry leaves. The town was alarmed in 1778, by smallpox ravages, requiring the erection of a pest hospital at Prospect Hill. Dr. Cobb writes that one hundred and fifty

died that year of the disease. At the sound of the town-crier's bell the knitters paused to listen for news of the fortunes of war. Letters from Taunton's distinguished citizens, in field and forum, were awaited with eagerness, and brought a thrill of elation when the news was of a victory. General Godfrey and General Cobb were in the army, while Paine was in Congress. From neighboring precincts came General Baylies of Dighton, one of Washington's fighting family, and Toby Gilmore of Raynham, a faithful body servant who polished the boots of the commander-in-chief.[1]

Mrs. Paine dwelt upon the visit of the great Benjamin Franklin in November, 1775, when he stopped to inquire if he could serve as post-rider, to carry letters to her husband. A day or two later she wrote:

TAUNTON, November 10, 1775.

I had the happiness of seeing Doctor Franklin on his return to Philadelphia. He was so kind as to call at our house for letters or anything else that I wanted

[1] At the close of the war, the General gave Toby a small field-piece. "Old Toby," as this gun was called, was accustomed for many years to "speak a piece" in the early morning on the Fourth of July. Toby was a slave kidnapped on the shore of Africa at the age of sixteen. He was bought and brought up by Captain Gilmore, of Raynham, and offered to take the place of the Captain who was drafted for the war. Through the influence of David Cobb, he was appointed a body-servant to Washington.

to send you. He made but a short stay with us and we would have been glad for more of his company. There are a great many families moved to this town from Newport and Bristol. The Cobbs are making salt peter.

June 5, 1776, at town meeting, the citizens voted to pledge lives and fortunes if Independence should be declared. One day in the summer of 1778, a red-headed youth on a white horse dashed into town, took a hurried lunch at the tavern, and sped on to the northward. It was Lafayette, on his famous seven-hour ride from Portsmouth, Rhode Island, to Boston. Another visit of notoriety in that same year was by an adventurous Rosalind, attired in male apparel belonging to Samuel Leonard of Middleboro, in which disguise she enlisted for the war as a soldier boy.[1] The coming of General Sullivan's troops into town in August, 1778, was an exciting event. General Cobb followed him and under his command performed distinguished services in Rhode Island.

Dr. Ezra Stiles, the minister of Newport, driven inland to Dighton, occasionally occupied the Taunton pulpit, wearing a full-bottomed wig. A delightful character, he was urged to settle here; but about this time another call came, to the presidency of Yale College, and, much as he liked

[1] Deborah Sampson. Leonard was so offended by the unsexing of his garments that he contemptuously burned them.

the Taunton people, he chose New Haven. Caleb Barnum, a six-footer in a long wig, showed his patriotism by leaving the pulpit to march away as chaplain (with his body-slave, Darius), only to die of camp fever the following year. After Barnum's departure, the candidating for a new minister resulted in the choice of Ephraim Judson, who pleased the youngsters of the congregation by preaching seated in a chair (some said from laziness). During the sweltering days of summer, he would give out the longest psalm, leave his pulpit, and stretch himself under a tree — possibly not so much to escape the heat as the singing of the congregation, who sometimes held the last note so long as to catch their breath once or twice. The ladies raised such a cry of indignation and threat of boycott because Nathaniel Bird refused to accept "Continental Currency" in payment for dry goods that the shop-keeper publicly confessed his wrongdoing. During the siege of Boston, a shipload of British soldiers, taken from a stranded vessel at Nantasket, was quartered at Taunton under guard, arousing curiosity among the gentler sex. Several were employed in the Adams factory, where they gave instruction in English nail-making.

One of the last American celebrations of Guy Fawkes's Day was held in Taunton. In accordance with the English custom, fantastically

masked men carried in procession, with a dark lantern and matches, a "dummy" representing Guy Fawkes, which was finally burned in a bonfire. During the French wars the Pope was substituted for Fawkes, and finally, on the eve of the Revolution, King George himself; as his adherents were similarly treated, a scarecrow figure of Daniel Leonard, the *bête noir* of Taunton, was probably dragged through the streets and cast into the flames upon the Green.[1]

While the hated Tory was being burned in effigy and his quondam friend was deep in councils of state, Mrs. Paine or Eunice might be seen, in mob-cap and morning gown pottering in the kitchen garden, the contents of which we know from this inventory made by Mr. Paine in 1775:

Spinage	Marble Pease
Peper Grass	Pole Beans
Lima Beans (own growth)	Amaranthus
Radish (own growth)	Bell Vines

[1] Samuel Breck, of Philadelphia, who stopped here awaiting the end of the siege of Boston, leaves this record in his diary:

We stayed a few months in Philadelphia (after the 19th of April, 1775), and then returned to Taunton, in Massachusetts, in order to be ready to enter Boston as soon as the British should evacuate the town. It was here at Taunton that I distinctly recollect seeing the procession of the Pope and the Devil on the 5th of November (1775), the anniversary of the Gunpowder Plot. Effigies of these two illustrious personages were dragged around the Common, and this was perhaps the last exhibition of the kind in our country. Sentiments of great liberality and toleration have contributed to abolish the custom heretofore annual, and to root out all violent prejudices against the good Bishop of Rome and the Church which he governs.

Dutch Turnip	Mandrake
Parsley	Virginia pumpion
Sweet Marjoran	French Marygold
Dwarf Pease (not good)	Pink
Common Lettuce	Winter Cabbage
Musk Melon	Crown Pease
Thyme	Cucumbers
Marrowfats (most a pint)	Carrot Seed
Corn	Turnip Seed
Celery	Sugar Pease
Beets	Honeysuckle

Bertram, the naturalist of Philadelphia, gave Paine a root of tantoxilium for his garden.

Aunt Eunice kept house with Mrs. Paine and helped to care for the children, who could roll their hoops round the bare, lopsided pasture, now the Green, without running into iron fences or being reprimanded by blue-coated policemen, or could fly kites with no danger of leaving them in the tree-tops, a frazzled reminder of childhood's sorrow. On pleasant afternoons, Madam Paine could put on her calash and drive her chaise to Attleboro to call upon former neighbors. The rejoicing, when the long strain of warfare was over, is intimated in this letter from General Cobb to Squire Paine after the surrender of Cornwallis:

HEAD-QUARTERS, NEAR YORK, VIRGINIA,
Oct. 28, 1781.

MY DEAR SIR, — My not writing you heretofore has not been owing to a want of an affectionate

remembrance of you and your family, but of a proper opportunity and a certain mode of conveyance.

You must be informed before this of the interesting event that has taken place in this quarter,which I should have informed you of at the time, but the despatches for Congress were sent so suddenly that I had only a moment just to inform Governor Hancock: As Lord Cornwallis surrendered at least seven days sooner than we expected, I will give you some of the particulars of our operations: on the 8th inst., after great exertions and fatigue in bringing up our heavy artillery and stores, we opened our first batteries upon his lordship; these required finishing; and putting our first parallel in a proper state of defence detained us till the evening of the 14th, when two of the enemy's advanced redoubts, through which we intended running our second parallel, were stormed and carried, and our second parallel, together with all its communications, was completed by morning. Most of the two following days were employed in erecting batteries on our advanced parallel; soon after they were completed, and we had opened sixty pieces of artillery, his lordship, on the morning of the 17th, sent a flag, which was the first that had passed, with proposals for the surrendering of the posts of York and Gloucester. Hostilities ceased. After an interchange of flags, by which the principles of the surrender were explained, commissioners were appointed on the 18th to settle the articles, and on the 19th, at two o'clock P.M., the British army marched out and grounded their

arms, — most joyful day! Most of the officers are paroled for Europe, and their troops marched, three days after their captivity, for their lodgment at Winchester, in this State. The British army, including officers, is above seven thousand, and a thousand naval prisoners. We have taken two thousand suits of clothes, seventy-five pieces of brass artillery, and a hundred and forty-one iron, together with a quantity of powder and other military stores, — not forgetting the military chest, with two thousand pounds sterling in it, and nine thousand stands of arms, — about sixty sail of vessels, including a frigate and sloop-of-war, all which belong to the French. A forty-gun ship was burned by us in the siege.

This is the greatest blow our enemies have received during the war, more particularly as it has happened in that part of the continent they thought themselves perfectly secure of, and must, with a continuance of our exertions, soon put us in possession of our wished-for peace.

Arrangements are now forming for the future disposal of the troops, and I suppose those troops that belong northward will soon march for their old position on the Hudson. His Excellency will return with them. General Greene will be reinforced; and Count Rochambeau with his army will perhaps remain in this State.

Count de Grasse, with the first fleet in the world, will, if the British dare face him, give them another flogging, and then pursue the orders of his master.

I can't write you any more. Give my love to Mrs. Paine and family, and remembrance to all friends. Don't forget honest Joe. You will probably hear from me again when I come a little nearer to you; at present I am out of the world. My best wishes attend you, and believe me ever your sincere friend.

DAVID COBB.

HON'BLE ROBT. TREAT PAINE.

Chapter XIX

First Attorney-General of Massachusetts

No rogue e'er felt the halter draw
With good opinion of the law.

TRUMBULL.

POLITICS is a maelstrom more difficult to emerge from than to enter. For thirty-five years, Paine was never without some sort of political office in Massachusetts, always careful not to let go with one hand until he caught a good grip with the other. He was Representative in the General Court, Delegate to Congress, Attorney-General, Judge of the Supreme Court, and Member of the Council. When he came back from Philadelphia, he ceased to be a national figure, but bore an important part in transforming his native province into a republican commonwealth. After the Declaration of Independence, Congress began to wane in importance. Paine preferred a seat in the Massachusetts Assembly, where he could be of greater service as well as nearer to his family and base of supplies. In August, 1777, he was elected Attorney-General to succeed his former companion, Sewall, now fled with the Loyalists and writing from London:

I hope to God that I shall not live to see the day when America shall become independent of Great

Britain, nor have to entertain the penumbra of a doubt how the game will end.[1]

As first Attorney-General of the Commonwealth, he upheld Governors Hancock and Bowdoin in bringing social order out of chaos and giving equal opportunity under the law. His duties were arduous and diversified; there were many difficulties to overcome, many snarls to unravel. War had paralyzed business, reduced thousands to poverty, let down the bars of morality, and left a heavy debt, compelling onerous taxation. Conflicting interests were to be reconciled; restless spirits to be subdued; visionary schemes to be exploded; abuses, riots, and insubordination to be suppressed. He had to deal with counterfeiters, murderers, traitors, embezzlers, and all the slippery, evasive, case-hardened, vicious, and incorrigible characters bred by revolution. Paine's spare moments were consumed in committee with Timothy Pickering, James Bowdoin, and the Supreme

[1] Paine accepted the appointment in these words:

To the honourable the Council and House of Representatives of the State of Massachusetts Bay.

GENTLEMEN, — I consider myself much honoured by your appointment of me to the office of Attorney-General for this state.

I hope the importance of my political Engagements will be considered as an Excuse for not giving an answer sooner.

I accept of the Office, and I hope whilst I am in it I shall answer the reasonable expectations of my Constituents.

With the greatest Esteem I am

Y'r obedient h'ble Ser't

R. T. PAINE.

August 26,'1777.

Court judges, revising the Province laws, weeding out all references to the King, and compiling a digest for the new Government.

During his term of office, three episodes now stand out as brightly as the stars in Orion's Belt — the confiscation of Tory estates, the drafting of the State Constitution, and the prosecution of the leaders in Shays's Rebellion. The claims of creditors against Tories required immediate attention. One of the early acts of the reorganized General Court was the confiscation of the property of absentees, on the ground that, when a majority of a nation is at war, its citizens must render service; if they decline to aid, they are enemies; consequently, their "goods and chattels, rights and credits, lands, tenements, and hereditaments of every kind, shall escheat, inure, and accrue to the sole use and benefit of the government and people of the state." The Attorney-General was empowered to bring action against such estates, and to attach notices of sale upon the deserted houses. He could exhibit to the Court a complaint against any absent Loyalist. Thus it happened, by an ironical turn of Fate, that Mr. Paine could take action of confiscation against Colonel Leonard's estate; order a notice of its sale to be posted on his mansion, and name a committee to appraise his property, of which Paine secured a portion in settlement of a personal debt.

The tangled estates of the Tories had not been straightened out, before Paine was called to take part in drafting a State Constitution. He was one of twelve persons to whom was entrusted the framing of a constitution, of which an original preliminary draft is preserved in his handwriting. This first constitution was accepted by the Legislature, but rejected, five to one, by the people, as too hastily prepared, and not containing a Bill of Rights. In this discussion of a constitution, Paine urged that a single legislative chamber was better than two, a view held also by Franklin and Cushing.

Massachusetts had no governor from 1775 to 1780, the Council being then the governing board of the State. To this Council, Paine was chosen in place of Hopkins, in 1779. From the 17th of June, 1774, Massachusetts practically became a free and independent State. In that year commissions were ordered to run in the name of its "government and people," in lieu of the King's name. On the 17th of June, 1779, precepts were sent out for the election of delegates to assemble in the following September, exactly five years after the Representatives at Salem locked the door against Governor Gage and took their first step for self-government; and four years from Bunker Hill day. Through those years their capacity for self-government, and inborn reverence for law, their

pervading moral sense and love of justice, their self-denial and self-control, enabled the people of Massachusetts to keep the ship of state from foundering in a sea of chaos.

The year 1780 saw the birth of the Constitution which Paine bore a part in fathering. The convention which framed the constitution met in the meeting-house in Cambridge, September 1, 1779, and after seven days took a recess until October 28. January 5, 1780, it again met in the Old State House at Boston, where its labors were completed on the 2d day of March. A committee of thirty, to whom was referred the work of preparing a plan and form of government, included Paine; the task was by them entrusted to a subcommittee consisting of President Bowdoin and the two Adamses, who in turn delegated the labor to John Adams alone. He approved a compulsory support of worship, Congregationalism being the state religion of Massachusetts; and this article was made even more narrow by the convention. Compulsory taxation for compulsory religious worship lingered from the Puritan period, in which the perfect church and perfect commonwealth were held inseparable. According to the first draft of this constitution, no one might hold office who was not a Protestant. Though it was not adopted, this indicated the trend of feeling towards greater toleration than had been granted

by the original constitutions of the Massachusetts colonies, which declared that no one should hold office who was not a member of the Congregational Church.[1]

The founders studied the ancient European governments. Using as models the King, Lords, and Commons (words now unpalatable to Americans), they established a Governor, Senate, and House of Representatives, their powers and duties somewhat modified by the changed situation and circumstances, but not essentially altered in elementary principles.[2] Office-holding was made dependent on a property qualification. A local residence of Representatives was required, on account of some recusant Bostonians who held seats for country towns, following British custom. The encouragement of learning was a strong point in the Bill of Rights. Massachusetts, having small agricultural and mineral resources, must depend on the superior enlightenment and skill of its people to maintain a leading place. Hence

[1] Upon the divorce of Church and State by legislative act in 1833, many church-goers felt that the Christian Commonwealth had sunk into a secular corporation. In the progress of toleration and liberality we find in our Legislature to-day, Jew and Gentile, Roman Catholic and Christian Scientist, voting side by side.

[2] The other day, James Bryce stated, from the Massachusetts Speaker's desk, that this legislative body was nearest to the old English Parliament of any institution in the world.

education has always been a pet hobby of this State. Another noticeable feature was the injunction that citizens cultivate good humor, — proving that even the testy John Adams set store by a kindly disposition. This constitution guaranteed to the people of Massachusetts the right to be tried by "judges as fair, impartial, and independent as the lot of humanity allows."

On the 25th day of October, 1780, a proclamation was made from the balcony of the Old State House that Governor Hancock had taken the oath of office as the first Chief Magistrate elected under the new constitution.

The government had not been firmly established when an insurrection broke out under the lead of General Daniel Shays. Most of his followers were soldiers of the Revolution, ill-clad, ill-fed, ill-paid, ill-tempered. There was a reason for the uprising. After the war, paper currency fell in value, debts increased, people forgot their economical habits, morals were lowered by the long closing of the schools and churches. There was widespread poverty, disaster, and despair. Many advocated repudiation and the State's credit was much impaired. The chief exports had been furs, sheep, potash, codfish, lumber, flaxseed, oil, and vessels. The war had paralyzed trade; there was little money; business was transacted by barter, and New England rum went a long way toward

liquidating obligations.[1] Horses, wagons, oxen, cows, and farm implements were seized by tax collectors and sold at auction for a song. Anything that the collector left, other creditors attached. Frequent insolvencies caused endless prosecutions. Unthinking Patriots considered taxation an insult to American freedom. Certain malcontents held a socialistic idea of wiping out all state debts by an act of the Legislature; and a "society for the avoidance of personal obligations" was proposed. Continental paper money so depreciated in value that the expression was coined, "not worth a continental."[2] This increase in civil actions was a bonanza to the legal fraternity, whose unpopularity had its head and front in Attorney-General Paine, arch-lawyer of the State.[3] It was not his office to show mercy; he must see the laws obeyed and violations duly punished—an ungrateful task at best. His presence was minatory, his countenance fulminant. Harsh backbiters charged him with pitilessly following criminals to the jail and gallows, and threatening letters were tossed over his fence at

[1] Edward Bellamy in the *Duke of Stockbridge* calls the rebellion a "gentilities war."

[2] Rhode Island issued so much paper money that it came to be known as "Rogue Island."

[3] The town of Salisbury sent remonstrances to the General Court because too many lawyers were drafting the Constitution of 1780.

night.[1] Popular conventions endeavored to thwart the course of justice. Outbreaks occurred in various parts of the State in the fall of 1786.[2] The leaders were captured and under Paine's prosecution were convicted, but were pardoned by Governor Bowdoin. A seditious member of the Legislature was sentenced to sit in the gallows with a rope about his neck.

Paine was on a committee to confer with Governor Bowdoin on the alarming situation. Foreseeing trouble in Taunton, he had Dr. Cobb empowered with full military authority to deal with the crisis. In his diary, Paine speaks of being at Taunton September 12, 1786, during the outbreak, and witnessing the dramatic action of his brother-in-law, who thus threatened the mob gathered under command of David Valentine, "Away with your whining! I will hold this court if I hold it in blood." That was on a rainy day in September. In October, when court again convened, there

[1] In 1778, Paine had the unpleasant duty of prosecuting Bathsheba Spooner, of Worcester, daughter of Timothy Ruggles, for instigating the murder of her aged husband in order that she could marry a youthful lover; although about to become a mother she was executed before a large concourse — the last woman to receive capital punishment in Massachusetts.

[2] One day in Worcester the Judges thought that Birnam Wood had come to Dunsinane, for a body of tatterdemalions besieged the court-house, each bearing a small pine tree as a badge of Liberty.

was further trouble. A double line of soldiers was drawn up on the southerly side of the Green, and General Cobb, donning his old regimentals, brought out "Old Tobey," and gave his order to the rebels, "Cross that line and I fire; the blood be upon your head!" Paine's diary reads thus:

October 25, at noon, mob came to the Green headed by David Valentine; in numbers about 140 arrived. They paraded on south side of Green and in the afternoon sent in a petition to the court, finding the militia commanded by General Cobb to be about 380 well armed, and efficient with a field-piece. Wheeler with his party marched off and disbanded and we heard no more of them.

October 29, 1786. Superior Court of Judicature held at Taunton. Militia came from Raynham, Bridgewater, and other parts.

Public sentiment triumphed as usual. The rebellion was suppressed without serious bloodshed. Soon came the ratification of the Federal Constitution by a convention in which Paine was a delegate. In politics, a man not only finds strange bedfellows, but turns strange somersaults. To make a Conservative of a Radical, give him property to protect or an office of responsibility. As a young man, Paine was a free-lance and espoused the cause of the multitude against centralized British Government (although at heart more aristocratic than Tory Leonard).

With years came responsibility and caution. Finding himself with a family to provide for and property to protect and holding high office, he became a Conservative and advocated the most advanced measures of the Federalists, among whom there was much trepidation lest the national constitution should not be adopted, so strong was the opposition.[1]

Paine urged upon grand jurors the protection of property and individual rights; saw to it that the laws were duly executed for the support of schools, and that every town of fifty or more inhabitants maintained a school-house. He insisted that religious principles were a necessary foundation for morality and virtue, and that the instructions of a learned clergy were indispensable. He backed up Governor Hancock in his effort to suppress Sheridan's "School for Scandal," on the ground that the theatre was undermining the character of the people; of which he soon had a practical illustration coming close home to him.

Paine was a reconstructionist. He had assisted in laying the corner-stone of the new nation in 1776 and in establishing a state constitution in 1780. Four years later, he was one of a committee in Boston to recommend a change in

[1] "If you do not believe in a central common union, then let Shay be made Governor" was an effective argument.

the municipal government. Two plans were reported; one for a mayor, aldermen and councilmen, the other for a president and selectmen. The people overwhelmingly rejected both plans — they had not forgotten that the Revolution had been accomplished under the town-meeting system and were quite satisfied with the outcome of that struggle.

The bread-and-butter problem of existence pressed home to Paine in every calculation. While Attorney-General, he writes to Governor Hancock confessing his reduced circumstances:

To his Excellency Governor Hancock, September 11, 1787.

R. T. Paine, Attorney-General, begs leave to represent that in the execution of his office he must set out on Monday next on the Western Circuit to attend the sessions of the Supreme Court, and he feels himself unhappy to be obliged to say that he cannot command money enough to bear his expenses and support his family at home who depend on the daily expenditure of money for their subsistence, etc.

He therefore prays your excellency and honor that a warrant may be granted him for half a year's services — and that your excellency and honor would consider the necessity of his being paid to enable him to execute his office.

From his wife's family, he received money to assist in building his Taunton home, and his wife's sister, Hannah, paid for the burial lot in which his son was laid. He claimed that he never received pay for services in the confiscation of Tory property. In his later years he was charged with misappropriation of thirty pounds while at the Continental Congress. Washington himself was not immune from trumped-up charges of peculation, and when Franklin was accused with extravagance in having spent a hundred thousand dollars of American money, during his services for the Revolution, he replied, "Thou shalt not muzzle the ox that treadeth out the corn."

After thirteen years' service in helping the infant commonwealth upon its feet, Paine felt that he should occupy a position of more dignity with and leisure befitting his years. To John Adams he wrote:

Boston, April 13, 1789.

Much respected Friend:

When we were going to the first Congress our worthy friend Hawley gave us in writing some broken hints — I take liberty to imitate him in the method tho' not in the matter.

I intended to have done myself the great pleasure to wait on you at Braintree for the benefit of social conversation, but innumerable Accidents have prevented. I wish to Communicate a few Ideas re-

specting my Official Situation, and hope this method may not be disagreeable.

I have toiled in public business from the first movings of the Revolution with all my Exertions of mind and body, eleven Years in my present Office, and what with the difficulties of the time, and the contracted Ideas some Influential men have of Supporting public Officers, I have spent my well-earned monies I had on Loan for the necessary Support of my family, and in lieu thereof have demands on Government which bear no Interest and which I receive in a manner too scanty for my Support — twice have I been honored with an appointment to the Sup. Court, the first while at Congress I declined because I thought I could be more Serviceable (in our precarious State) in the political line, — when I returned from Congress in '77 I accepted the present Office, on the Unexpected Call of Government, because I saw it was necessary for the Existence of the Commonwealth, that it should be executed in the manner which I have endeavored, and every Lawyer who was capable was immersed in more profitable business — I cannot describe the fatigue of it, nothing but a Sense of Honor and Duty prevented my resigning — in '83 I was honored with an appointment to the Sup. Jud. bench which I declined because I hoped my Office would have yielded me more income which my family wanted than a Judgeship, but I have been sadly disappointed, and have the mortification to find myself outranked by all my juniors in Politicks,

and having no Income to recompense it, and drudging in an Office which, tho' of essential importance to the Government, I have been out of the line of public notice, and am not without Appreciation that the change of Government may still further reduce me — I have not sought Popularity but endeavoured to do my duty, expecting that this which first brought me into notice would continue me in it —

My age, abilities, political pretensions, of all which you will judge for yourself, make me wish for some Station less exposed to drudgery and fatigue than that I am in, but my Family Circumstances oblige me to attend to that income. If a Judgeship, or quam dies office should turn up it would suit me better than the one I am in, and if I should be appointed to this with reasonable support I shall be thankful — I do not mean to solicit anything improperly, and if I should, I am sure it would have no effect on you — I present these observations because I have always known you attentive to a Propriety of Conduct and desirous of a state of facts, and I have no other wishes than that as Opportunity offers you would do respecting the premises what you think proper to be done. I think General Washington cannot have forgotten me, my Vote, when he took charge of our Army to support him with life and fortune and my signing the Charter of our Independence — it would be galling to me to find that those who in the times of greatest danger were acting a questionable part, should now catch

the bird from the bush which I have beaten — but I will trouble you no more, but wishing you health and all happiness,

Subscribe your friend and Servant

R. T. Paine.

P.S. If there is Occasion for any particular information, pray favour me with a line.

Chapter XX

A Supreme Court Justice

Use every man after his desert, and who should 'scape whipping.
Hamlet.

ALEXANDER HAMILTON once remarked that he was never contented unless he had three good friends to love and three bad enemies to hate. Paine was a strong admirer of Hamilton's scheme for a centralized government and a national bank, and impatiently awaited the stage-coach bringing the weekly "Federalist," to read the contributions from the fine mind of "Publius." Paine was somewhat akin to the "Little Lion," for he had the hot temper which goes with black eyes. Although a London magazine, inspired by vindictive Loyalists, spoke of him as "a weak, insignificant tool of Sam Adams"; and in the next breath says, "John Adams spoiled an able ploughman, porter, or butcher." Without the acumen and initiative of Hamilton, he was not so positive a force to win strong friends, and make fierce enemies. Paine held aloof from bosom companionship. Not only was he wanting in genial personal magnetism, but he lacked the

lodestone of an overflowing purse, which Leonard found effective in drawing a circle about him. Paine's office of Attorney-General was one to bring him more foes than friends. He was not always careful to veil his opinions, and he had a taste for controversy in politics and religion. He discovered an intriguing correspondence between Thomas Cushing and John Adams, which disclosed an attempt to supplant him in the good opinion of his constituents. There were intervals in his life when relations were strained between him and James Warren and Judge Dana, as well as with Daniel Leonard. When we call the roll of his intimate friends, we find: John Hancock, William Cushing (the only one of the last five Provincial Judges who held to the Patriot side); Samuel Eliot, great-grandfather of President Eliot; General Palmer, Col. Orne, Richard Cranch, Increase Sumner, Dr. Cobb, and Oliver Wendell, with whom he frequently dined on July 4. The intimacy between the Paine and Hancock families existed in earlier generations — the fathers of John and Robert had preached in adjoining parishes, Braintree and Weymouth, occasionally exchanging pulpits. Both the boys attended the Boston Latin School and Harvard College; both were sons of ministers; both tardy in marrying; both members of the Legislature and of the Continental Congress. When Hancock

JOHN HANCOCK

wrote his name on the Declaration "big enough for King George to see across the Atlantic," Paine saw to it that his name, crowding close up to that of the presiding officer, was second in bigness. These two men were much together, travelling, dining, legislating, and many a time walked side by side as pall-bearers for departed comrades.[1]

Hancock, as Governor, appointed his friend a Justice of the Supreme Court. Paine had previously declined this honor. In 1775, after the overthrow of the Supreme Court of Judicature, a new bench was chosen of which Paine was a member; but when he heard that John Adams was to be Chief Justice, and he, five years older, to play second fiddle, he made excuses, and found his services of greater value to his country at Philadelphia. Governor Hancock first appointed Paine to the bench in 1783; but he then preferred to continue as Attorney-General on the plea that the salary of Judge was too small. The position was again tendered in 1790. This time Paine found plenty of reasons for accepting. Accordingly, he donned the scarlet and black robe and white-topped boots so noticeable when the Court marched through the streets of Boston.[2]

[1] Judge Paine made his last appearance in the great court wig on the occasion of Hancock's funeral.

[2] Judge Dana had been minister to Russia and brought back the Muscovite habit of protecting his fingers in a muff and wore

He brought abundant qualifications to his new office. The practical, bred of experience, and the instinctive ideal were united in him. He was associated with Judges Sargent, Sedgwick, Dana, Sumner, and Cushing. Every October, Paine came to Taunton, to receive a welcome from old friends and sit as Judge in the Court-House, which he had frequented as barrister and Attorney-General. As we see him in flowing robes standing meditatively in bronze before the City Hall, so we may picture him *in corpore* crossing the Common to enter the old Court-House, which he and Daniel Leonard had been the committee to build in their humbler days. As justice in eyre, he was obliged to make a round of circuits to various parts of Massachusetts, which then included Maine. In March, 1800, Judge Paine speaks of riding his circuit when the roads were "flooded belly-deep to a horse." It was a dreaded annoyance to make the long journey to Maine, and the judges found curious excuses in their efforts to shirk this duty. Beneath the calm exterior of judicial gravity volcanic fires were smouldering, as the following letters bear witness:

a white corduroy surtout lined with fur. His high-heeled shoes lifted him to a scant five feet in stature, and he appeared so grotesque in his gaudy apparel that the court soon discarded the red gown for the sable one in which judges becloud themselves to-day.

IPSWICH, June 24, 1796.

SIR:

I am not about to solicit any favors of you; I too well know the gratification you would receive in refusing it if I should. My present design is to state a few circumstances for your consideration. Two years successively, if I mistake not, you requested to be excused from the eastern circuit, on account of two of your sons graduating. I freely acquiesced in the proposition, not only because I foresaw I should wish a reasonable indulgence on a similar occasion. That time has now come. Judge Sumner had already been called off by the death of his mother. Whether he will go to York is uncertain. Your presence there as well as in the lower counties will become necessary if he should not return.

I have understood (not from what passed between us only) that you have intended to absent yourself from this term and York term also, and so oblige me to attend both. Now if such continues to be your design, I give you reasonable notice that I shall return home from this place and shall not go on to York, or either of the lower counties. You will act your pleasure.

I am, Sir, your obedient and humble servant,

F. P. DANA.

Paine sent back this Roland for his Oliver:

BOSTON, July 26, 1796.

SIR:

It is very disagreeable to me on many accounts that I find myself under a necessity of remarking

on y'r very extraordinary letter, and lest you may have forgotten the first sentence which seems to be the principle that dictated the whole, I copy it, in these words. . . . The rankness, coarseness, groundless assertion of this introduction are astounding. When you can recollect any conduct of mine that bears any resemblance of a want of respect and a disposition to serve you as far as I could consistent with the duty I owe to myself and family, I sincerely wish you to make it known to me and if the charge seems to be well supported I shall certainly repent and set about a reformation.

Judge Paine then refers to records to show that he had been as faithful as Dana and explicitly explains why he wishes to be absent from York court. He continues:

Had you given any reason for not attending at York, I should have listened to it, but to be told in so unjustified a manner that you would not attend at York is a mode of conduct that neither profits nor pleases. When you point any error in this statement I shall attend to it; till then I must submit that nothing in that occurrence can justify the sentiment and style of y'r letter.

Then follows a precise statement of absences of both judges taken from the records — of no advantage to Dana. Paine shows how he is hard-pressed to support a large family and concludes:

There are other matters also worthy of your at-

tention which at present I do not mention, but rest these matters for your consideration, hoping you will acquit me of the grievous charges you have brought against me and that it will prove to have been the production of a momentary impulse.

I am yours very respectfully,
R. T. PAINE.

A more humorous episode occurred in Maine. Paine had been on the bench but a year when, with Justice Sumner, the Attorney-General, the Clerk of Courts and his friend, the French Consul, he was going from Portland to Pownalsburgh. The court adjourned at Portland on Friday and, to reach Pownalsburgh on Tuesday, they jogged along while the folks of Freeport were at Sunday meeting. The procession would have slipped by unnoticed had not the Frenchman, who rode in a "chair," trotted down into the heart of the town in search of the hairdresser with the result that his vehicle broke down, causing a delay which attracted attention. The warden came out, and in the name of the Commonwealth of Massachusetts arrested the whole company for wilfully profaning the Lord's Day. In vain the Judge and Attorney-General pleaded that it was a case of necessity. They represented that the roads were bad, the time was short, and the weather inclement; that there was a case of murder on trial, and unless they arrived in time it

would be postponed a year. The officious warden, to gratify his own caprice, refused to be silenced. The party was at length allowed to pass on, but the Frenchman's popularity was under a temporary cloud.

When the court at Pownalsburgh came to adjourn, Paine went out to the row of sheds behind the town house, and in the stall where he had left his horse he found a similar-looking steed, but of inferior speed and value. Some careless citizen had exchanged horses while the court was in session, and was already beyond recall. "Maybe you think more of my chaise now?" said the Frenchman, shrugging his shoulders, as, with a twinkle in his eye, he invited Paine to take a seat in his carriage for the rest of the journey.

The judges were fined a round sum for their Sabbath-breaking and at once prepared a long memorial to the General Court, which has been preserved, stating that they had as "much respect for the Sabbath, as the Christian religion required"; that they were the persons to decide whether the case was one of necessity; and if they thought for a moment they had broken the law, they would have paid the fine. Paine was chagrined to think that, having been instrumental in drafting the Sunday law, he should be charged with breaking it. To protect the court from mortification, the Sunday laws relating to travelling

were repealed, and the indictment against the court was annulled.

At Plymouth, a society had been formed which annually celebrated the landing of the Pilgrim Fathers, and at its meetings Leonard and Paine were frequent guests, both having Pilgrim ancestry. Its festival was colloquially known as the "Feast of Shells." [1] The name was derived from the fact that the company first attempted to take their soup with cockle-shells, after the pioneer fashion. They speedily discovered that these utensils were spoiling too many satin breeches, and therefore called for silver spoons; although appearances of luxury were supposed to be avoided in imitation of the worthy ancestors. This feast was transferred to Boston after the Revolution. Judge Paine always attended and joined in the post-prandial chorus. "The Independent Chronicle" December 30, 1802, commenting on the convivial features of the occasion, said that one of the thirty-one speakers was introduced by the popular song, "Go to the Devil and Shake Yourself," — adding:

This is a pretty ditty for the Sons of our pious

[1] A contemporary says of it: "It was become fashionable of late for a few of the rich and well-born gentry to celebrate what they call the anniversary of the landing of our forefathers at Cape Cod and Plymouth. Not out of new-fangledness, or other such like giddie humor, but for sundrie, weightie, and solid reasons."

Forefathers — what an appearance must General Lincoln and Judge Paine make in company with Stephen Higginson, Fisher Ames, Timothy Pickering, Dr. Parker, and Rev. Mr. John Gardiner, etc., etc., while attentively listening to the music of "Go to the Devil and Shake Yourself." This is piety with a vengeance.

In his later years, Paine was subject to fits of abstraction. Never gifted with the elegance and suavity which endeared Colonel Leonard to his associates, he earned the sobriquet of "Ursus Major" among the young lawyers. As deafness shut him off from the world and old age pressed upon him, he became arbitrary. The manners of the bench at that time were not wholly Chesterfieldian. Fisher Ames once unfeelingly remarked that to practise before the Supreme Court a lawyer should carry a club and an ear-trumpet. After serving fourteen years, Paine's increasing infirmity compelled him to resign. Upon his retirement, in 1804, his several titles were augmented by an honorary LL.D. from Harvard. He had been addressed successively as Captain, Reverend, Squire, and Judge; now he was complimented with the title of Doctor.

Chapter XXI

Daniel in the Lions' Den

But Daniel sat in the gate of the king. — Dan. 11:49.

THE scene now shifts across the Atlantic. Enter Leonard, a coach passenger, his eyes feasting on the novel sights, as he rides from Falmouth up to the capital of the British Empire through the thrifty, well-kept farms of southern England. August 12, 1776, he first sets foot in London. Now at last Daniel finds himself in the den of the friendly British Lion. He has passed four anxious months in fog-bound Halifax. He has learned of the forthcoming Declaration of Independence. Apprehensive, he has set sail for England to ascertain the probable outcome, leaving his family in Halifax. While he is crossing the ocean, the umbilical cord of the colonies is severed. Arrived in London, he seeks out his friends, Hutchinson, Oliver, Sewall, Browne, and other intimates, who, not insensible to their situation, greet him with a smile which seems to say, "Well, here we are again!" But the veneer of forced mirth covers misgivings deep and sore. With other New England fugitives, many of them "grass widowers," he frequents the

Adelphi Tavern on the Strand, and the New England Coffee House in Threadneedle Street, where every Friday afternoon there is a dinner party at which American affairs are discussed by a rump Congress.[1]

These Tories, shortening sail, lived in "shabby-genteel" quarters at Brompton Row, Kensington, and only by rigid economy could they preserve a respectable exterior. They had small source of income, and were little more than remittance-men awaiting drafts from America. Leonard, for example, indulged in no new raiment, was abstemious in food and drink, borrowed newspapers, and sought invitations to dinner. He could not take snuff with the big-wigs; did not find the doors of high society open to him; nor was there a warm welcome in smaller social circles, as at home. He could not appear to advantage at Almack's or Newmarket, or cut a good figure at Bath or Rane-

[1] The New England Club formed in London, January, 1776, included: Richard Clark, Joseph Green, Jonathan Bliss, Jonathan Sewall, Joseph Waldo, S. S. Blowers, Elisha Hutchinson, William Hutchinson, Thomas Hutchinson, Samuel Sewall, Samuel Curwen, Samuel Quincy, Rev. Isaac Smith, Harrison Gray, David Greene, Jonathan Clark, Thomas Flucker (once secretary of the assembly), Joseph Taylor, Daniel Silsbee, Thomas Branley, William Cabot, John S. Copley (the painter), Nathaniel Coffin, Samuel Porter, Edward Oxhard, Benjamin Pickman, John Amory, Judge Robert Auchmuty, Major Urquhart, Colonel Saltonstall, Sir William Pepperrell, Colonel Daniel Leonard, William Browne, Colonel Thomas Brattle.

lagh, so slender was his purse. He found himself neither fish nor flesh nor good red herring.

In America, these exiles had been wealthy and successful; their lives passed in dignified occupations. In England, they were nobodies anxiously waiting for the war at home to cease. Very few could kiss the hand of their sovereign at state levees, and they listened intently to Hutchinson's account of royalty, happy if he gave them an *entrée* to court circles. Leonard, having time on his hands, bethought himself to look up his family connections. He hunted out Lord Dacre, a Leonard, with whom he searched up and down the branches of their family tree. Consanguinity was acknowledged with proper ceremony and libation. Rumor whispered that a baronetcy was offered Daniel. When the story reached Taunton that Leonard had spurned this offer, the townspeople shook their heads — they knew his weaknesses too well.

Eagerly the Tories read newspaper advices from America; the British victories of Long Island, White Plains, Fort Lee, Fort Washington, the capture of New York, elated them. They passed the gilded snuff-box, sneezed in contempt of American Whigs, and grew hilarious over their punch and claret. What could the raw Provincials do against the well-disciplined troops of Sir William Howe and Clinton? They maligned the Patriot

leaders — Sam Adams was light-fingered, embezzling the town funds; Hancock was a "peacock," defaulting as treasurer of Harvard; Paul Revere had stolen silver plate; Paine was the "upstart son of a broken-down minister"; John Adams was soured against the Government because he had failed to get a Crown appointment. They pitied the discomfiture of "King Hancock," one of their own kind, accustomed as he had been to good society. One exile had brought away a half-bushel of the paper Continental currency. This they rolled into pipe-spills to light their meerschaums. Ha! ha! they laughed, tossing the half-burnt money upon the floor, — Washington would soon be hanged, and those ragged Patriots would be best off who could run the fastest. As for the United Colonies, — a democracy, they sneered, is a government in which the lowest rule. When the Declaration of Independence was announced, they prophesied that internal disputes, rivalries, and jealousies would soon bring them all back into Great Britain's arms. "As well have thirteen tomcats in a bag for harmony," said Sewall. "Ho! ho! ho!" they roared, slapping one another on the back, and emptied bumpers to great King George. But the King took down his Bible and read in Isaiah 1: 2: "I have nourished children and brought them up, and even they have revolted from me."

RECEPTION TO AMERICAN LOYALISTS IN ENGLAND

(From fanciful painting by Benj. West)

When Leonard heard that Paine was a signer of the Declaration he pictured him, the rebel, swinging from the gallows. Very soon after Paine, as Attorney-General, was empowered to prepare such a reception for Leonard should he venture to return to Massachusetts.[1]

They played basset, chess, and quadrille in the evenings, for very small stakes, and drank success to Clinton, Burgoyne, and the Hessian mercenaries, and confusion to Washington's army. When they read of Steuben, Pulaski, Lafayette, DeKalb, and Kosciusko hastening to the aid of the rebels, and learned of the battle of Saratoga, a flush of alarm spread over their brows. Underneath affected jollity they were in reality a dismal company. Hope deferred maketh the heart sick. They formed a constant companionship through tastes and affinities as well as kindred misfortunes. Having little to do they met often to exchange hopes and fears and scan the latest

[1] Jonathan Sewall, former crony of Paine, now boon companion of Leonard, wrote home to their mutual friend, Gerry:

Could you form a just idea of the immense wealth and power of the British nation, you would tremble at the foolish action of your petty States. I feel for the misery hastening on my countrymen, but they must think this our folly. I am confident that the glorious period is hastening when you will be emancipated from the tyrannical, arbitrary government under which you have for some time groaned — a government for cruelty and ferocity not to be equalled by any but of the lower regions, where the Prince of Darkness is President, and has in his custody a number of rebels who are secured in chains awaiting the great judgement day.

news. The Dark Day in America (May 17, 1780) caused a transient jubilation. The exiled Tories seized upon this phenomenon as an omen of disaster to the Colonists. They declared that it was the Devil spreading his wings over the northern rebels; that if they did not repent, the next time he would certainly fly off with them all.

Every few weeks they attended the funeral of one of their number; and death, pressing home upon them, bound them more closely together. When these former leaders of Massachusetts society saw their old neighbors, Hancock, the Adamses, Gerry, Paine, Warren, Bowdoin, and Cushing, taking their places, they squirmed in protest, though they had no idea of shedding blood to support their cause, but would let the hired Hessians put down this rebellion of the proletariat. Lordly mastiffs should never contend with low-bred hounds. The flower of New England stood in line every quarter to receive ministerial bounty. Homesickness, the most mordant of human ills, was eating their hearts.[1] Feeding the mind on jealousy, wrath, and disappointment starves the body. Leonard, separated from his family, without funds, and having no employment,

[1] S. Curwen, of Salem, wrote home that he had abandoned his dwelling, his friends and means of living, which he might have retained on the condition of insults and a dress of tar and feathers — "an alternative much to be preferred to the distress of mind I am daily suffering."

fell critically ill, and for several weeks was confined to his bed, cared for by sympathetic exiles. What a pang of humiliation to be so miserable, lost and unknown in this great metropolis, he who had been so grand in his Taunton home! Hutchinson, the only American who could afford to give a dinner worth a crown, occasionally invited him to his table — and Leonard, financially worn down to skin and bone, was punctual in acceptance.[1] He visited the Abbey and the Museum, the "Cheshire Cheese," to catch sight of Sir Joshua Reynolds, Garrick, Gainsborough, Sheridan; and St. Clement's Church, where Dr. Johnson sat in his well-worn pew.[2] He went to the playhouse to see Kitty Clive, the actress; heard the famous Mr. Duché, who had opened the American Congress with prayer, and was now preaching in London; attended the Disputing Club at the King's Arms; looked in at Copley's studio to see him painting his own family; and discussed the tragic murder of Miss Ray, the paramour of Lord Sandwich, by a frenzied admirer. Adam Smith's "Wealth of Nations" presented a proposition of seats in Parliament for Americans, and opened up

[1] Hutchinson, looking wistfully back to his old home, wrote that "New England was written upon his heart as Calais was upon Queen Mary's."

[2] The latter having the dictionary at his discretion was the editor of all conversation, and had written "Taxation No Tyranny"; he was a man to challenge Leonard's attention.

a new prospect of acquiring importance to men of bounding ambition like Leonard.

Of course, Leonard could not secure a seat; he was too poor to buy a borough, and what cared the people of England for Americans anyway? The nobility considered them a "low, filthy, commercial people." Among the masses the suspicion had not wholly worn off that they wore feathers in their hair, moccasins on their feet, and carried tomahawks and scalps dangling from their belts. An American artist, Benjamin West, apotheosized the Loyalists in a celebrated painting, wherein America is first personified as an Indian. Leonard could sit in the gallery at Westminster, applauding Lord Shelburne pleading for the maintenance of the sovereignty of the mother country over the colonies at any sacrifice; but his courage fell when Rockingham and the Duke of Richmond argued that it was impossible to subdue the rebel colonists, and urged that Great Britain should acknowledge their independence with the best grace possible. He listened to Burke, Barre, Erskine; and Chatham exclaiming that "he would never lay down his arms, never! never!! never!!!" Daniel had long known that interference with sensitive English trade was arousing a back-fire against the war. At the opening of Parliament in 1778 after Saratoga, the Government began to hold out the olive branch, but the Americans would not parley with

the English commissioners, and the breach was widened by the sailing of a French fleet to succor them. The two subjects ever uppermost in the minds of the anxious exiles were the progress of the war, and their own chances of having their personal losses made good by government pensions. In 1778, Leonard heard that he was proscribed, among others, and prohibited from returning to Massachusetts on pain of death. In 1779, when reverses came thick and fast to the King's troops, a delegation made up of one from each of the thirteen colonies, Leonard representing Massachusetts, secured an audience with the King, to impress upon him their distresses. The King in an address to Parliament said:

I trust that you will agree with me that a due and generous attention ought to be shown to those who have relinquished their property and possessions from loyalty to me or attachment to their mother country.

Lord Townshend, Secretary of State, wrote:

This country would feel itself bound in honor to make the Loyalists full compensation for their losses.

And to the credit of the Crown it should be said that several million pounds were thus expended. In 1782, Parliament appointed a committee to examine these claims. By their deci-

sion in June, 1783, about $250,000 was annually apportioned among 687 accredited pensioners. This number was increased to 2063 in 1784, representing claims amounting to $35,000,000. It is computed that Parliament paid these refugees $15,000,000, or one seventh of the total cost of the war. Documents show with what persistence Daniel Leonard begged for help — demanding indemnity for property confiscated and for income forfeited. His many memorials disclose the straits of the refugees, and show through what official red tape their claims were delayed.[1]

Under the Compensation Act of 1784, claims to the amount of seven million pounds were represented, of which £1,877,000 were allowed. Leonard claimed £3621. He was allowed originally £1215, 16*s*., and actually received £917, 17*s*., of which £487 was paid in the first instalment, and the balance later. In his memorial he claimed that he had a larger practice than any other barrister in Massachusetts, estimated by Seth Williams, at £600 a year. He claimed for loss of income £1060, and was allowed £500. He represented that he owned 400 acres in different parts of his province, worth not less than £4000,

[1] The antiquarian, in search of documentary data relating to an exiled Tory among the archives of the Colonial Secretary's Department, is handed a canvas bag a yard long stuffed with all papers relating to that individual Loyalist.

with mills and buildings thereon, and a personal estate of £8000.

As years dragged on and hope that England would crush the rebellion was succeeded by the prospect of complete independence for the colonies, Leonard, in despair of returning to his patrimony, was reminded by the hungry presence of his growing children, wife, and faithful servant, who had come over in the summer of 1778, that he must secure some office of sufficient revenue to meet the cost of living. Even before he had accepted his fate as forever exiled, he sought admission to the English Bar, and we find this entry at the Temple:

Daniel Leonard, filius Unicus Ephraimis Leonard, de Mansfield in America armigeri, generaliter admissus est in societatem istius communitatis, in consideratione trium librarium, sex solidorum & octo denariorum praemanibus solutos quinto die Junii Anno Dom. 1777.

He was called to the Bar May 30, 1779; but not recorded as a "bencher." Before he became a barrister, he had applied for an office. At first the American Secretary suggested the division of Maine and the creation of a province out of the territory between the Penobscot and St. Croix Rivers, to provide a place for Thomas Oliver as Governor, and Leonard as Chief Justice. This

scheme, approved by the King and Ministry, was abandoned because the Attorney-General gave his opinion that the whole of Maine was included in Massachusetts. Then Lord Sackville, whose Tory hatred was carried so far that he resigned as Secretary of State rather than sign the treaty granting independence, offered Leonard the Chief Justiceship of Bermuda, upon the suggestion of Colonel William Browne, of Salem, who was appointed Governor of these islands.

Chapter XXII

Chief Justice of the Bermudas

But bless the little fairy isle!
How sweetly after all our ills,
We saw the sunny morning smile
Serenely on its fragrant hills.

Tom Moore.

They came into a land in which it seemed always afternoon.

Homer.

LEONARD'S life, spanning three generations, separates naturally into a trilogy — cis-Atlantic, mid-Atlantic, trans-Atlantic. In 1781, when his friend, David Cobb, was with Washington, penning Cornwallis in the Virginia *cul de sac*, Leonard and William Browne, with their commissions and their families, sailed from England, for that sparkling gem of islands on the bosom of the Atlantic, called Bermuda. These islands would have joined the original thirteen states, if the sympathies of the inhabitants had prevailed.[1] Bermuda was little known to Americans, though Bishop Berkeley, the year Paine was born, had planned to plant his American College there as a convenient centre for the American provinces. The islands were first reported

[1] It was Bermuda gunpowder that Washington used in the cannon that drove Leonard and Browne out of Boston.

by a Spaniard, Bermudez, who stumbled upon them in his way to Cuba. Since then, many another caravel has found an untimely grave by striking the adjacent submerged rocks.[1] The Bermudas were settled by the Virginia Company before the Pilgrims landed. Bermuda Hundred in Virginia was a gift to the island colonists, because land was much more plentiful in Virginia than in Bermuda. At first called "La Garza" from the name of Bermudez's ship, later, on account of disasters upon its shores, Bermuda was named "Isle of Devils"; next, "Virginiola"; then, "Summer Islands"; and finally "Bermuda" in honor of the discoverer.

Modern steamship catalogues alluringly announce to prospective voyagers that this summer land is a "perpetual June for lotus-eaters" where "Atlantic waves that roll by Boston crested with snowflakes, break with warmth and crystal clearness on this crescent of rock." The approaching traveller perceives square, white-washed limestone houses gleaming through a screen of green junipers, whose roots are strong enough to penetrate the underlying soft white coral rock. This porous rock, hardening upon exposure, is sawed out of the hills and used for building. It is friable and

[1] *Vide* Shakespeare's *Tempest*, which was suggested by William Strachey's narrative of his shipwreck at Bermuda, 1610. "Still-vexed Bermuthes."

makes a smooth, dazzling road. The newcomer sees semi-tropical flowers blooming in the languorous atmosphere — poncianas, bougainvillæas, poinsettias, lantanas, night-blooming cereus, oleanders, — many imported since Leonard's day. The fecundity of nature produces a wealth of quickly maturing vegetation which rapidly decays — and the vegetable life typifies also that of the human family in the tropics. Along the wayside are pawpaws, palmettos, cocoanuts, tamarinds, mangrove, and fiddle trees. Crakes, blue herons, sea-swallows, cardinals, and other birds of brilliant plumage flash across the sapphire sky; exquisite submarine flowers, mosses, and iridescent fish are seen through the transparent water from glass-bottomed boats. At Easter, a sea of lilies waves in beauty and fragrance; and still more insistent in perfume are acres of Bermuda onions. The black faces of half the inhabitants are set off by the red coats of the English soldiers, who are an eighth part of the permanent population of 22,000. The capital, now Hamilton, was formerly St. George's. During Leonard's residence this change of location was effected, possibly hastened by the plague of rats which infested the old state buildings.[1]

[1] Governor Cockburn was said to have received a gift of four thousand dollars for his "influence" in bringing about the change.

Hither, then, came Leonard, in his early forties to spend his mature years. Presiding as Chief Justice for thirty years over this checker board population, he came to be known to all as he sauntered over the island, returning with his bamboo cane the salute of a Lord High Admiral, or a colored market-woman crying her wares as she balanced her basket of lemons, guavas, and custard apples on her head, while pickaninnies clung to her apron. His residence was a low, flat-roofed stone house, with heavy wooden shutters, nestled among orange, banana, mulberry, and olive trees. Under the corner eaves stood a hogshead to catch the precious rain-water; in his back yard he raised annually three crops of vegetables, using fish and seaweed for dressing. A corner of the garden was devoted to tobacco for his own use. The staring white of his house was relieved by scarlet blossoms which he could clip for a New Year's *boutonnière*. It was a new world for his family, with many sights to captivate them. His children drove about the island in basket-carts with darkey boys to accelerate the docile, dilatory donkey; visited the sand glaciers at Elbow Bay and the "Admiral's Grotto" of fantastic architecture, where hang long stalactites from which geologists have computed that the island is 600-000 years old; bathed in the clear ocean water in nooks sheltered from sharks; paddled out in cedar

canoes to look down on the brilliant angel-fish and catch shimmering Portuguese men-of-war, or sailed farther around the long-wrecked hulks of treasure-laden Spanish galleons; and at night saw the phosphorescence of the stagnant salt lagoons, and heard the mocking-bird pour out his melodies under the enchanting moonlight. Little variation marked the routine from one year's end to another.

We may picture to ourselves the judge as he rises at the daybreak screams of the kittiwakes, and breakfasts on goat's milk, figs, bonito, and sweet potatoes. He takes a morning walk up to the lighthouse to look for new sails in the offing, or a chance whale in the harbor. Then sweating under a heavy, many-curled, flaxen wig, he presides with dignity on the Supreme Bench, as the patchwork of black and white humanity sits in proper awe while he delivers the decree in civil, criminal, or admiralty cases. After his midday siesta, his daughter Harriet tucks a japonica in his lapel, as, dressed in white linen, he goes out to enjoy an afternoon game in the shade of a spice-laden tree, with his friends, perhaps Tom Moore or Miss Fanny Tucker, "The Rose of the Isles," as Moore addressed her. After a ceremonious dinner, he lights a long pipe and learns the news from the newly established local gazette, or from incoming vessels which bring the latest advices concerning

the monster Napoleon against whom his country is contending. And so ends his day.

On Sunday he attends with his family the old Church of St. Peter's, built before the Mayflower landed at Plymouth, but retaining its original cedar timbers still sound. In the next family pew are the Brownes, who have presented a silver communion service to this church. Leonard's social life was passed much in the company of Governor Browne, who, in former days in Salem, had been also of the Massachusetts landed gentry, and to whom, in recognition of his ability and station, flattering offers were made to hold him to the American cause. Browne was graduated from Harvard the year before Leonard entered, but they were well known to each other, and both were among the Mandamus Councillors. Madam Leonard's sister and her husband, Andrew Cazneau, made their home at Bermuda several years. Thomas Moore, the poet, was given a berth there as Recorder, and for a while his calabash tree was a favorite centre of social gayety. The officers of shifting regiments and of the warships which touched at Bermuda kept the social complexion changing. Leonard's daughters were married to visiting officers, one to Captain John Smith, from Antigua, another to Captain Stewart, an officer of the customs, with whom she soon went to live in London. From this pier sailed

away Leonard's son, Charles, a college mate of Paine's sons, to attempt a course at Harvard. Then came the day, in 1806, when his wife, enfeebled by the Bermuda dampness, waved her last good-bye from a home-bound vessel and faded from his sight forever.

Leonard's circuit at Bermuda was not so wide as that which led Judges Paine and Dana into ill-humor. Although there are as many islands as days in the year, the whole area of the Bermudas is less than twenty square miles — not more than the original Taunton when it included Leonard's birthplace. Imagine Taunton a colony with full governmental machinery — Governor, Chief Justice, Senate, and Assembly, postage stamps. There were living at St. George's descendants of the Indians sold by Massachusetts into slavery after King Philip's death. One of these, Jacob Minors, so named from his ancestors' master, was a noted pilot, with whom the Chief Justice may have had acquaintance on the score that his ancestors and Philip's braves were cordial friends. Taunton vessels occasionally put into Bermuda bringing salt herring, lumber, and pottery; they took back potatoes, onions, cedar boats, and cocoanuts. Leonard, sighting the topsails of some familiar ship, would impatiently wait at the dock, to question the skipper about Taunton affairs. Occasionally, he received a letter from his former as-

sociates, Dr. Baylies, Judge Wheaton, his cousin George, and, let us hope, his father at Christmas-time sent down a barrel packed with venison, cob-smoked ham, nuts, and apples grown on the Norton farm; for the judge's palate was not wholly satisfied with such native delicacies as ripe figs served in sugar and cream, or pomegranates mellowed in Madeira wine. In the heat of summer, his fastidious appetite may have been checked by a small army of ants marching across his table, or the giant spider nimbly dancing along the ceiling. He claimed that provisions in Bermuda were four times as expensive as in England, and that his table alone annually cost £600. During the long war between France and England, it was supplied by contraband goods brought in by Yankee vessels.

The greatest trouble of his insular life was the inadequate means for decent existence. His difficulties in this matter do not surprise us, for from his sixteenth year he apparently had much difficulty to keep his expenses within his income. His appeal to the Crown was more distressing and insistent than that of Paine to Governor Hancock. His salary of £360 had been continued, as if he were still a Boston Solicitor of Customs, and £200 (the salary of a Mandamus Councillor) was added for the "American sufferer." To these his emoluments as Chief Justice and incidental fees brought

BERMUDA FROM GIBB'S HILL

£300 more, but the total was inadequate to his notions of living. For twenty years he was much occupied in representing what a financial disaster was involved in his loyalty to King George. In 1784, after collecting data, he sailed away to England, secured audience with Lord George Germaine, who, as Secretary for the colonies, presented Leonard's claim in a long memorial.[1]

[1] To the Right Honorable the Lords Commissioners of his Majestys Treasury.

The Memorial of Daniel Leonard, Chief Justice of Bermuda

HUMBLY SHEWETH

That there is no Salary annexed to the office he has the honor to hold, and that all the Emoluments arising from it do not exceed £300 per Annum; in consequence of which no professional person has ever held it for any time.

That Government having been repeatedly requested to make some Provision for the Administration of Justice in Bermuda, the Right Honorable Lord Viscount Sackville, when Secretary of State for the American department, was pleased to propose that the Memorialist, who had been regularly educated to the profession of the Law, should be appointed the Chief Justice.

That the Memorialist, understanding that the appointment was not lucrative and that the expenses of maintaining a Family at Bermuda are much greater than in England, took the liberty to offer his Services, provided the amounts of his Office of Sollicitor of the American Customs, which were £360 per Annum and the allowance of £200 as a Councillor of the late Province of Massachusetts Bay, both of which had been given him for his sufferings as an American Loyalist, and both of which he then held as Sine Cures, might be made certain.

That his Lordship was pleased to say that he considered the offer as reasonable, and by an official Letter recommended to the Lords Commissioners of the Treasury to give such directions as should be necessary for carrying the proposal into effect.

After visiting his scattered friends, Leonard returned to Bermuda, with assurance of obtaining a moiety of his claim. Sitting in "this English garden at New York's front doorstep," he

The Memorialist having lately waited upon Lord Viscount Sackville, his Lordship was pleased to say that he well recollects the official transaction to have been as here stated, and that he will signify the same, whenever he should be desired.

The Lords of the Treasury upon taking the above-mentioned Letter into Consideration, made an Order that the Memorialists Office of Sollicitor should cease, and that he should be paid annually its amount, being £360, in addition to his allowance of £200 as a Councillor, being in the whole £560 per Annum by Mr. Rowe, which order appears by the Treasury Books.

Upon the faith and credit of this Establishment the Memorialist purchased a Law Library and made all the provision necessary for removing his Family, which then consisted of eight persons, to Bermuda and taking upon him the duties of the appointment. Not being able to get a passage directly to Bermuda, he was obliged to make several Voyages, and to reside with his Family several Months at different Islands in the West Indies at an expense scarcely credible. At Bermuda he took a Lease of an House for four years; repaired and furnished it, and made the necessary provision for living there. The doing of all which has been attended with an expence exceeding his establishment near four fold, owing to the extravagant price that every thing bears in the West Indies, and more especially at Bermuda in War-time; But he looked forward with pleasure to the reduction of expences that peace should bring with it, to enable him to fulfil his engagements, having been obliged to draw a large sum of Money on the credit of it. The attentions shewn him by the Inhabitants rendered his situation in other respects agreeable, and he trusts his public Conduct has not been reprehensible.

In December, the Memorialist received advices that Government had directed an Enquiry to be made into the Claims of such

watched the upgrowth of the American nation. Was the canker of regret gnawing at his bosom to think that he was not a part of this infant giant? Twenty-five years after his expulsion from Mass-

of the American Loyalists as had allowances made them, in order to make a reduction, and until that was done it was probable that no future payments would be made.

Apprehensive that his Claims would be not fully known unless he was present, and fearing that his Bills would come back and his creditors, that had supplied him with money on the credit of his establishment, be uneasy, he thought it prudent to come directly to England.

Upon requesting his Excellency Governor Browne to grant leave of absence for a short time he expressed a readiness to do it provided some provision should be made for the Administration of Justice in the meantime. The Memorialist accordingly entered into an Agreement in Writing to make a compensation to Judge Burch, on whom the Business devolves, and obtained his Excellency's leave of absence for a few Months.

Before the Memorialist arrived in England the Commissioners appointed for examining the claims of the American Loyalists, had taken his case into consideration, and reported a reduction of £260 from the £560, leaving only £300 to be paid in future, and upon giving him a very long and candid hearing were pleased to say, that they (had) not made nor could with propriety make him an allowance in consideration of his Claims as Chief Justice of Bermuda, their Examination being from the nature of the appointment restricted to the Claims of American Loyalists as such, and therefore they did not see any reason for altering the report already made.

The Memorialist does not ask for an additional allowance for the unforeseen and unavoidable expence that attended his carrying his Family to Bermuda, and making a Settlement there in War-time, as he engaged to do it in Consideration of his Salary which was then promised — Nor for the total derangement of his affairs in being obliged suddenly to leave the Island — nor

achusetts (halter penalty now forgotten), he sailed away for the old home to see his son, Charles, settle his father's estate, and clasp hands once more with former comrades. Much like Rip Van Winkle, he found a new order of things. Changes stood out vividly. No longer under English rule, a thoroughly republican government was established, with his old friend, Adams, at the helm. At the time of this visit in 1799, England and France were at war, and it was hazardous to traverse the high seas. A parting

for the expences attending his coming to England and returning to Bermuda although he apprehends he has an Equitable Claim thereto — But he trusts your Lordships candour will excuse his claiming from the faith of Government the performance of a Stipulation which was then made to him in continuing the provision of £560 per Annum in some proper mode, unless the Memorialist has been so unfortunate as to have deviated from the line of his duty.

Your Lordships Memorialist therefore humbly prays that such a Salary may be annexed to the Office of Chief Justice of Bermuda, as shall be sufficient to support the dignity of his Majestys Commission and shall be an Equivalent to the reduction made from his before mentioned allowance.

And the Memorialist as in duty bound shall ever pray, etc.

[*Endorsed*]

March 23d 1784 At the desire of Mr. Leonard, I certify that the agreement made with him respecting his allowance upon his going out Chief Justice to the Island of Bermuda is accurately stated in this Memorial, and I farther Certify that his conduct whilst I was in office justly entitled him to the Confidence and Protection of Government.

SACKVILLE.

letter written to President Adams, whom he visited, illustrates the courtliness of the Judge.[1]

N. York, 30 June 1799.

Dear Sir:

Will you permit me to address you in the stile of our former familiarity? My heart recognises all its former friendship, and I flatter myself you sometimes recollect with pleasure our professional intimacy. I had promised myself the honor of again waiting on you before I returned to Bermuda, but was obliged to come to this city with all diligence in order to avail myself of a passage in an armed vessel recommended by Governor Beckwith. My son will have the honor of delivering this. My respects, if you please, to your lady.

I am with the highest esteem and respect,

Your most humble Servant,

Daniel Leonard.

To His Excellency, John Adams,
President of the United States.

He found his Cousin George and brother-in-law Baylies, members of the National Congress. The latter speaks of riding with him toward Bridgewater, where they separated at the fork of the road, as Daniel wished once more to look on his birthplace and the tombs of his parents at

[1] It would be gratifying to know if Adams, who had written that he would "hang his own brother if he went against him," had cooled down as President, and greeted Leonard with reciprocal warmth of feeling.

Mansfield. At Taunton he was a guest, in his old home, of his former office-boy, now Judge Padelford. The tender grace of days gone by came back to him as he looked out with a sigh upon Taunton Green. We see him visiting (in the house where he was first married) the patriotic mother of his wife, now nearly a century old, whom he tells of her married granddaughter. We see him at the grave of his first wife, pulling away the briers and lichens to read anew the inscription on the flat tombstone. Again he steps into the court-house where he was wont to plead and argue. Again he visits the tavern and drinks a toddy in memory of auld lang syne. Again he rides to Boston, recognizing a few acquaintances. Did he meet Judge Paine? Did these rivals of other days, their hair now streaked with gray, bury past grievances, clasp hands warmly in their mature dignity, and laugh over early struggles, as they exchanged their varied experiences? Did they meet, or did they carefully avoid meeting?

He repeated this westward visit in 1808, and a few years later, gathering together his household goods and now slender family, he sailed eastward to London, there "to husband out life's taper to the close." His active work was ended and on the honor roll of his American Alma Mater he stands for posterity as "Chief Justice of Bermuda."

THE LEAN AND SLIPPERED PANTALOON

Chapter XXIII

A Family of Bostonians

Solid men of Boston, make no long orations
Solid men of Boston, banish strong potations.
Charles Morris.

AFTER several years' residence in Taunton, Leonard had established himself as the most favored citizen, when suddenly, in the fitfulness of Fate, bullets came pricking through his window-panes (unmistakable hint of a fall in the esteem of his fellow-townsmen), and he hurriedly repaired to Boston. On the other hand, Paine, claiming Taunton as his home for nineteen years, returned to Boston with the highest regard of his townsmen, who by common consent ranked him as the foremost citizen of the Old Colony. With other families from the rural counties, he went to weave new strands into the social fabric of the metropolis, since the ante-Revolutionary aristocracy had mostly taken French leave. The Cabots, Pickerings, Jacksons, Lowells, Grays, Higginsons, Parsons, Ameses, Sullivans, Prescotts, were among the new inner circle of society. Although his statue stands in Taunton (his residence when he reached the pinnacle of his fame), Paine was a thoroughbred Bostonian, and

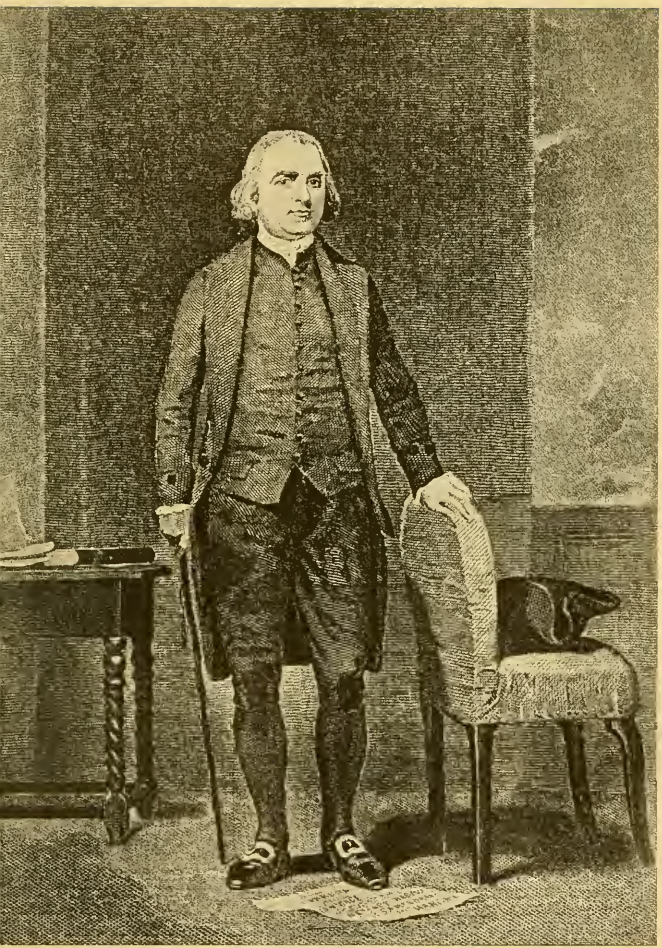
passed sixty years on that smug little Puritan peninsula.

The exacting duties of Attorney-General compelled him to spend much of his time away from his wife, who only learned of his intention of removing to Boston through a third person. She writes:

TAUNTON, March 8, 1780.

MY DEAR HUSBAND: The report is here that you have bought a house in Boston. I tell them I suppose you mean to have two wives — one for Taunton, and one for Boston.

Paine moved his household goods to his newly purchased house at the southeast corner of Milk and Federal Streets, opposite the present Boston Post-Office, in April, 1780. This house, purchased of Colonel John Amory, a Boston merchant, was once owned by Governor Shirley. It was a large, two-storied brick dwelling with gambrel roof; in the spacious rear garden was the kitchen with its jack and turnspit. The location was in the middle of the town. The North End had become the resort of the ebb-tide aristocracy, and fashion was working around to the east and south of Beacon Hill. Paine's new home was not in the most healthful quarter, for salt water flowed up to the next square, and imperfect drainage compelled occasional bailing from the cellar; peradventure also setting afloat the ten barrels of cider



SAM ADAMS

which he annually stored to promote the sociability of winter evenings. When his not-distant neighbors, Cushing, Quincy, Gardner, Wendell, Sam Adams, or Bowdoin, dropped in after supper, young Robert was sent down cellar to fill the pitcher, while the guests talked the evening away over current events and the Attorney-General's business.

The walls of this Boston home echoed with the laughter and play of a houseful of lively children; the first-born, christened Robert Treat, was graduated from Harvard in 1789, and died at Boston, July 28, 1798, unmarried. The second child, Sally, named for her mother, was born in 1772, and died, unmarried, in January, 1825. The third child, commonly known as the "poet," was called "Thomas" after his Grandfather Paine. Upon the death of the older brother, Thomas petitioned the Legislature that he "might have a Christian name," as he expressed it, and assume that of the deceased Robert Treat. He was not ashamed of his grandparent, but a new Thomas Paine had arisen, the author of that unorthodox volume, "The Age of Reason." We may reasonably believe, however, that family pride had as much to do with the affair as hatred of heterodoxy. Robert Treat was the name of the boy's great-great-grandfather, who was a governor of Connecticut. Paine the Signer, was given

his name of Robert Treat (which an earlier son of his parents, who died in infancy, had also borne), after his mother's brother, Robert Treat, who had died without issue. Nature seemed determined that the name should pass out of existence, but the family, stoutly protesting, overruled her wishes.[1]

This boy, born in Taunton, rolled his marbles and played hobby-horse with his mates around Taunton Green, until he went to Boston at six years of age. During his four years at Harvard, he won a membership in the Phi Beta Kappa and shone as a scholar in Latin, Greek, and the mother tongue. When some doggerel lines rehearsing the peculiarities of certain professors were found scribbled on the basement walls and traced to Paine, he was duly hailed by his fellow-students as a coming laureate. After his graduation, he obtained a position as clerk in a counting-house. Instead of figures of trade, the caged poet made his day-book entries in verse and once made out a legal document in rhyme. Mr. James Tisdale, his employer, while he may have admired genius, was loath to reward it liberally and the young man soon found himself struggling on the foothills of Parnassus with an empty purse. However, his compassionate father supplied him with the

[1] Recently there have been litigious relations between two Robert Treat Paines due to their duplicate names.

funds to start a semi-weekly journal, the "Federal Orrery," as an outlet for his enthusiasm. The youth translated "Phædo"; and carried on a literary antiphony in a magazine, the "Seat of the Muses," with Mrs. Perez Morton, the leading bluestocking of Boston, nicknamed the "American Sappho." In search of copy, he was a frequent visitor to the green room to commune with "footlight favorites."

His marriage, February 17, 1795, to Miss Baker, an actress, daughter of the proprietor of the theatre near by, for a time alienated his father, but stimulated the son's love for poetry and the drama. That year he gave birth to a poem, "The Invention of Letters," which, after delivery at Harvard College (for degree of A.M.) was published, and netted the unprecedented sum of $1500. This was followed by "The Ruling Passion." The fifth stanza of his popular song entitled "Adams and Liberty," which was sung all over the country, in theatre and shop, to the tune of "Anacreon in Heaven," was produced under unusual circumstances. Benjamin Russell, the editor of the Boston "Centinel," on examining the original manuscript suggested the insertion of Washington's name. Paine (always addicted to wine) reached for a glass of inspiration, but Russell stayed his hand until he should compose the suggested stanza, which Paine forthwith produced as follows:

Should the tempest of war overshadow our land,
Its bolts could ne'er rend Freedom's temple asunder,
For, unmoved, at its portal would Washington stand,
And repulse with his breast the assaults of the thunder!
His sword from the sleep
Of its scabbard would leap,
And conduct with its point every flash to the deep!
For ne'er shall the sons of Columbia be slaves
While the earth bears a plant or the sea rolls its waves.

This poetic son outshone the patriotic father in contemporary distinction. At twenty-seven years of age, he promised to taboo "wine, women, and song," and gave himself seriously to the study of law with Theophilus Parsons at Newburyport. He was admitted to the bar at Boston in 1802. His son, Robert Treat, and a daughter died within four days of each other, in March, 1802. The father's heart, touched by his poverty and bereavement, welcomed to his home the prodigal son. There he died at the age of thirty-eight. As he lay in the attic, Gilbert Stuart came and made a death-mask of his face from which to paint his portrait.[1]

[1] One moral of this poet's life is set forth in a recent article by William Winter: "It was my fortune, when I was a student of the Dane Law School of Harvard University, to win the favorable notice of that honored professor, Theophilus Parsons, and to be treated very kindly by him. On one occasion, after his morning lecture had ended, he called me into his study and imparted to me some serious advice. 'I am sorry,' he said, 'to observe that you are turning your attention to literature. I

James H. Paine, son of the poet, was an eccentric character, having but two aims in life — music and money. He never married, but spent his life in apparent poverty. Upon his death, Mr. Chickering, of piano-forte fame, recalled a package that some time before Mr. Paine had left with him for deposit in his safe. With little thought of its having value, he opened the brown paper package, and to his astonishment, found that it contained securities to the amount of four hundred thousand dollars. Litigation over a forged will ended in a decision in favor of the Paine relatives.

Charles Paine, the fourth son of the Signer, was graduated at Harvard in 1793. He married the niece of William Cushing (associate Judge with his father), and died in 1801. It is from this Charles that the present Boston line of Paines is descended. Robert Treat Paine, son of Charles, having no children, gave his affection to the hea-

have seen your poems in the newspapers. Don't think of living by your pen. Stick to the law! You will be an excellent lawyer. You will have a *profession* to depend on. You can make your own way. You can have home and friends. Stick to the law! I once knew a brilliant young man — Paine was his name — who started much as you have done. He might have had a prosperous and happy life. He had much ability. But he left the law. He took to writing. They had him here and there and everywhere with his poems. He was convivial; he wasted his talents; and he sank into an early and a rather dishonored grave.'"

venly bodies and his wealth to Harvard College for astronomical purposes.

Henry, born in 1777, became a merchant navigator and died June, 1814.

Mary, the sixth child, born in 1780, married the Rev. Mr. Clapp, and died in 1842.

Marie Antoinette was born in 1782, when the French sympathies of her father were strong. She was married to Deacon Greele and died in 1842.

Lucretia, the youngest of the children, born in 1785, lived unmarried with her parents, and died in 1823.

Paine, going with morning market-basket to Faneuil Hall, would meet such friends as Peter Brooks, Benjamin Bussey, Harrison Gray Otis, General Lincoln, Thorndike, Salisbury, Paul Revere, Dr. Eustis, Oliver Wendell, the Quincys, George Cabot, or Jedidiah Morse. These gentlemen, members of the Federal party, often sat down to a hearty dinner together at three o'clock, and discussed the news of the day over their Madeira. Paine strongly favored the adoption of the Federal Constitution both in his writings and discussions. Interested in national affairs, he read the Boston "Advertiser," the Philadelphia "Ledger," the New York "Gazette," and attended the debates of the Essex Junto. He used his influence in support of the administrations of Wash-

ington and Adams; and advocated with zeal and ability their measures of government during the critical period of 1794. It grieved him to see the Federal party dissolving under the ascendancy of Jefferson and his Democratic principles. Paine upheld Hancock and Adams, but opposed his other fellow-signer, Elbridge Gerry.[1] He did not believe the Republican principles essential to the best welfare of his country and joined those who endeavored, unsuccessfully, to defeat Gerry for Governor and Vice-President. In 1793 Paine was present at the mammoth banquet held in State Street in sympathy with the revolutionists of France, when joints of beef were tossed up to the ladies in the balconies.

Paine was glad to meet again, in 1789, his earlier acquaintance, George Washington, when he made his famous visit to Boston as President. He witnessed the celebration upon the adoption of the Constitution, when an old boat, symbol of the former ship of state, was burned on Boston Common. One night in 1790, he was aroused to find that his boyhood home on Beacon Hill was going up in flames; and, as Judge, he might have delivered the sentence by which the colored incendiary was executed for arson. In the summer

[1] Paine applauded when Gerry stated, "If a man had but one day to live, he should devote that day to the service of his country."

of 1806 he was shocked by the fatal assault in State Street, upon the editor of a Republican paper by an enraged Federalist.

During Paine's Indian summer days, he kept his hand on current affairs; worked in his garden; attended town meetings; followed the fortunes of his friends, Adams and Jefferson, and was a guest at many dinner parties in the Hancock mansion.[1] When, in the sailors' war of 1812, privateersmen returned with a trophy of their daring, Judge Paine, though not in active sympathy with the war, was ready to review the public parade. He had a part in the celebrations of Hull's capture of the Guerrière. Independence Day, Paine and Adams walked together in the parade, to arouse enthusiasm by their presence and bring back the spirit of '76, Paine taking two steps to Adams's three. In 1795, after the Legislature had repealed the act against playhouses, giving legal sanction to those who wished to attend the play in the garb of respectability, we find Judge Paine at the theatre which stood beyond his back fence, enticed to the unwonted place presumably by the irresistible charms of his actress daughter-in-law.

[1] These dinner parties were sometimes hurriedly prepared. Mr. Paine's cow, which was daily driven to and from the Common, was probably one of those which Madam Hancock ordered to be milked to supply her requirements upon the sudden announcement that a party of distinguished Frenchmen was to grace her table one evening.

In personal appearance, Judge Paine was tall and thin, with sparkling black eyes and hair shading to ferruginous. He was a strong, earnest speaker, though not reaching the heights of eloquence:

> A voice of deep bass, and a serious if not stern expression of countenance, gave him an appearance of greater severity than he possessed. He had kind feelings and a strong relish of humor, though with this peculiarity — that his appreciation of it was not quick, and the report of his laugh was not heard till the flash of the jest had entirely vanished, says Wheelor Tudor.[1]

In all sketches of him there is reference to his wit; when, however, we search for a good specimen, we hardly find one worth recording beyond those already given. The gray mare was the better horse when it came to levity of correspondence. From John Adams's records, we infer that he was not greatly given to dealing in gentle humor, which people enjoy and repeat, but used his barbed wit to wound his associates.

At a festival in Boston, Judge Paine, ever recurring to his ministerial days, gave this toast:

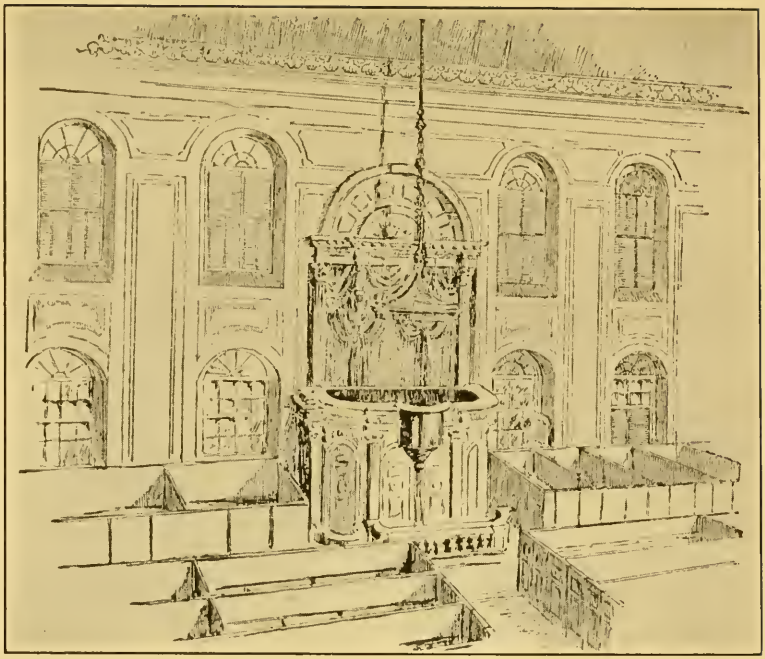
[1] Paine's grandson wrote of his maternal grandsire Cushing that "his head was full of good ideas, but you required a beetle and wedge to get them out"; possibly he held the same opinion of his paternal grandparent.

Great Britain — May that Nation which stood the Friend of Liberty when Liberty had no other Friend among the Nations be *refined* and confined and remain the *Joachim* while the United States of America stands the *Boaz* of true Political and Social Liberty, until Sun and Moon shall set no more.

This toast is rather cumbrous in contrast to the lighter lines given by his son to the comely Miss Fowle of Watertown:

> To the fair of every town
> And to the Fowle of Watertown.

From his chamber window, Paine could look across at the Old State House in which he had conducted his Massacre trial, had served in the Assembly, had sat as Judge. Above it, where as a boy he had gazed in admiration at the red banner of St. George, he saw fluttering the Stars and Stripes; and a thrill of pleasure came to him at the thought that he had borne an honorable part in this "consummation devoutly to be wished." He could see the spire of the Old South Church in which he was christened, and in which he spoke once in preaching days. On Beacon Hill, beyond his birthplace, he could see the dome of the new State House with its pleasing Bulfinch architecture and eagle column behind. He could take his cane and walk up to watch the erection of the



INTERIOR OF OLD SOUTH CHURCH

new Park Street Church christened by Unitarians "Brimstone Corner"; or stroll around to the Exchange Coffee-House, where politicians gathered and to which the stage-coaches, crossing the narrow Roxbury Neck, brought passengers from all parts of New England, from New York, and the South.

At threescore and ten, a man's life has filled the Scriptural measure. The tender leaves of hope are falling, leaving bare the boughs of youthful dreams. Old friends grow closer. We draw a pleasant picture of the old man sitting in quiet repose at his fireside, "lean and slippered," "with spectacle on nose," tobacco pouch at his side and thermometer on the doorpost, which was consulted punctually morning and evening. To the young fry the associations clustered about his name invested his presence with something of the awe accorded to the Roman Conscript Fathers. He was not one to put his wig on hindside to and go down on all fours to make fun for the youngsters. Once at Christmas, a grandchild came bringing the dessert, and exclaiming, "See, grandpa! Even the jelly trembles in your presence!" It is said that in his last years, a grandchild who cared for his horse allowed the animal to go three days without hay because he lacked the courage to report to his austere grandfather that the feed had given out. Another story handed down in the family

tells how the old gentleman sold a horse having a white stocking and a few days afterward bought the horse back again thinking it a new one, the foot having been cleverly painted over by a mischievous jockey.

On a May morning, the Judge was riding in his chaise near the "Punch Bowl Tavern" at Roxbury when a runaway horse came tearing down the road. Paine turned aside, but the runaway struck his wheel, upset the chaise and threw him into the street. He was extricated from under the vehicle and an examination of his injuries made by Dr. Edward Warren. It was found that no bones were broken; but the shock to his aged body was severe, and a month later he writes that it "took him half an hour to get out of bed in the morning." [1]

A scientific strain has always marked the family. Among the books listed under this name, nearly all relate to scientific matters. Four generations specialized in study of the stellar worlds. This penchant for astronomy is illustrated in the name which Robert Treat Paine, Junior, gave to his journal — "The Federal Orrery" — suggested by his father, who had seen the orrery invented by Rittenhouse at Princeton College. In his diary of sixty years, he always puts the zodiacal sym-

[1] Daniel Webster's infirmities were increased by being thrown from his chaise at Kingston.

bols for each day of the week, and for the phases of moon, sun, and planets. A record in his journal reads:

June 16, 1806. Fair and a fine clear sky. The predicted total eclipse of the sun began at 10.05, a few minutes later than calculated. Thermometer went down ten degrees, a mighty gloom so that it was possible to see an object only at a small distance. Several stars appeared and pigeons flew homeward in a flock, chickens came home to roost.

This was the eclipse forecasted by Paine's father seventy-five years before to within a "few minutes" of exactness.

Paine was scientific where Leonard was sentimental. One of the keenest interests of his sunset days was the American Academy of Arts and Sciences of which he and his brother-in-law, Cobb, were among the founders in 1780. His life naturally led up to this institution; he was a member of the board of management for thirty-four years. Before this society he presented his plan for making an inexpensive map of Massachusetts. He suggested that beacon fires be built on certain hills at intervals through the State and thus maps could be made with small expense by triangulation.

Making water-wheels and mending clocks were congenial occupations to him, and, as we have

already seen, he was interested in the manufacture of gunpowder. He surveyed not only highways, but when he first went as Judge to sit in Barnstable County, gave much attention to the survey for the Cape Cod canal proposed in 1790. He was engaged in building the jail and court-house in Taunton, as well as his own home on Taunton Green.[1]

An observant farmer at the age of fifteen, he writes of April, "This month in general has been fair growing weather, attended with fruitful show-

[1] In a letter, written in 1792 to Theophilus Parsons at Newburyport, Paine says: "The present bogs and vapours of Ireland, it seems, once were the meandering brook and serene sky of Calypso's Isle, and the heterogeneous inhabitants may have descended from the well-governed Island of Atlantis: nay, what is more, the people who now have to send to the wilderness of America, the then (we vainly think) unknown world, for artisans, to build a bridge for them which would make no considerable figure on the monuments, and to erect a steeple of common size in our country villages, were the inventors of the most intricate games and gave rise to the most sublime sciences, — discoveries of this kind exceedingly enlarge the human mind and push us on more rapidly to discover mysteries that have long been buried in the oblivion of the ages. Doth it not tend to prepare our minds for that shock we might receive on being told that it was now fully discovered that the place of Paradise — the primæval Garden of Eden so much and so vainly sought for by the learned heretofore, was on the Ohio near the junction of the river Muskingum, that the huge mounds of which so many conjectures have been made was the haunt of Adam and his family, that the savages are the flaming sword before the settlement of that country."

ers and warm sunshine, so that in the latter end of the month, trees have blossomed forth and grass grown finely." After his removal to Boston we find the old sea-captain, Scott (who married the widow of John Hancock, to the mortification of her friends) giving him fruit trees brought from England — St. Germain pears, May Duke cherries, royal russets, golden pippins, green gage and Draper plums, St. Michael and Bergamot pear and peach trees. Within the walls of his Boston estate were raised many bushels of grapes to tempt predatory boys.

The lot of old age is to bury one's friends.

> As life runs on the road grows strange
> With faces new; and near the end
> The milestones into headstones change,
> 'Neath every one a friend.

His journal records that he acted as pall-bearer to many of his associates, friends and neighbors. His family passed away one by one before him. Eunice Paine died in February, 1803, aged 69; Abigail Greenleaf, in December, 1808, at 83 years of age; his grandson and granddaughter, March 8 and 12, 1802; his son, Robert, July 29, 1798; his son, Charles, February, 1810; his son, Robert (christened Thomas), November 12, 1812.

At this period of his life it is well to review Paine's religious beliefs. We have seen how he joined the church in school-days; how in early

manhood he examined the evidences of Christianity, and exercised his personal judgment trying to reconcile faith and reason. In 1760, he began to listen to the liberal views of Jonathan Mayhew, minister of the West Church in Boston, who had a strong influence in leading him to follow the star of soul liberty.[1] In the trying of ministers, Paine was always critical. In 1768, he was one of the committee to ask Mr. Eliot, of Cambridge, to preach in Taunton. He went to Concord to secure William Emerson for the First Church in Boston in 1799. He was a lifelong attendant at church, sometimes visiting the Quaker meetings at Swansea, and while at Congress he writes of attending the Christmas services of the Moravian Church at Bethlehem, Pennsylvania. A touch of *odium theologicum* was upon him. He had a controversy with Pastor Barnum as to the baptism of his children born in Taunton. In April, 1779, he presented for baptism all his children at once to Rev. Mr. Turner, of Precinct Meeting-House.

When Paine returned to Boston he took pew eleven in the Old Brick Church, now the First Church, on May 6, 1780. On March 2, 1783, he

[1] Mayhew had an aversion to oratory, which was increased by his antipathy to Whitefield and the Methodists, and led him to beseech God that he might never be an orator — a prayer which his enemies remarked had been fully granted.

attended the Old South, then restored after its wanton desecration by British soldiers. Paine became a typical Boston Unitarian; listening with pleasure, in age, to Channing or William Emerson; almost his last appearance in public was at the installation of Edward Everett as pastor of the fashionable Brattle Street Church in February, 1814.

Chapter XXIV

An Aged Exile in London

Youth shall grow strong and great and free,
But age must still decay,
To-morrow for the States — for me
England and yesterday.

Stevenson.

LEONARD, isolated at Bermuda, saw the American Confederation mounting "strong and great and free." Like his sovereign, he gloried in the name of Briton, and had come to think of home as under the English flag; yet when he had reached that age which musters a man out of active service, he gave a longing look toward Massachusetts before turning back to "England and yesterday." His children, now thoroughly British, leaned strongly toward London. Leonard's father had bequeathed his estate to his son on condition that he should return to America as a citizen in good standing. But Daniel knew that he could not be an active part of the new nation, even if permitted to dwell unmolested. After the Revolution, opinion in the "States" was divided in regard to the Tories. Some felt that they were unjustly treated; that it was natural for them to adhere to the King; that the war being over, it

was not the part of a Christian nation to hold hatred against them. They were still Americans of respectability, and the Patriots, now that freedom was won, should let bygones be bygones and restore them to their former estates. Others held them as traitors, worse than the Indians, whom they had set against the colonists; thought they were most mercifully dealt with if permitted to go unhung; and that oblivion was a kindness to them. The thought of restoring their forfeited estates, or permitting them a share in the government which they had done their best to strangle in its cradle, was preposterous. So the glamour of the English throne still holds its sway with Leonard.

Arrived in London, the Judge made his home with his maiden daughter, Harriet, at 53 Judd Street, Brunswick Square. His affairs centred at the Temple, where, full of wise saws and modern instances, he sat at the head of one of the tables at Commons, his fair round belly with good capon lined. His office was 22 Bellyard, Temple Bar. At this time, a young man was studying at the Temple by the name of Charles Lamb; if you would know the appearance of this great seething vortex of humanity into which Leonard came, a solitary drop, you will find it by the perusal of Elia's pages, in which some colonial squire will fill the measure of the Ber-

muda judge. He had leisure and taste to appreciate the genius of the early nineteenth century — Tom Moore, Coleridge, and Lord Byron writing verses; Flaxman making his celebrated statuettes; Turner dipping his brush in sunset colors; Scott building castles of romance; Bewick carving his fine wood cuts; Cruikshank making comic pictures; Gilroy caricaturing the Napoleonic monster; and Mrs. Siddons, winning applause upon the stage. Ballooning was a new experiment of which every one talked; the velocipede was a novel hobby on which men of fashion were ludicrously striding through the street.

One still midnight in January, 1820, the great bells of St. Paul's Cathedral tolled out the long-expected death of his Majesty, George III. Two years younger than the King, Leonard had served him zealously through his reign of sixty years. The monarch, having suffered an eclipse of reason, held no state levees which Leonard could attend, but he witnessed the royal ceremonies at the crowning of the sybarite, George IV.

By the strange habit of age his mind wandered back through the kaleidoscopic scenes of life to the care-free, sunlit days of his boyhood home. Whenever he sat in the park, or tapped along the brick sidewalks with his cane, or visited his grandson, Doctor Stewart, — already giving promise of that eminence he later attained, — he

TEMPLE BAR, LONDON

found many a willing ear among the bare-kneed and petticoated children, to whom he rehearsed the stories of the black slaves "Robin" and "Cæsar"; of rides through the pine forests; of bears, wild cats, the deer-park, the fox-hunts; of the musters of the training-field, — these he babbled over to the joy of his open-mouthed audience.

Of Leonard's family, his daughter born in Taunton was living in Antigua; Sally, who married Captain Stewart, had a son named Leonard who became a distinguished physician in London. Judge Leonard's son, Charles, who had been at college with Paine's poet son, was a source of even more grief to his father than was Paine's son to him. When Ephraim Leonard died, in 1786, his son Daniel appointed Laban Wheaton, of Norton, as trustee of his bank stocks and property holdings in America, and also as guardian of the son, Charles, whom he sent to Harvard from Bermuda in 1790. The son remained in America in order to inherit his grandfather's estate. Never mentally bright, the young man became dissipated, and was one of the rakes of Taunton as far as his allowance would permit. He was noted for his pride, assurance, and politeness — qualities very naturally inherited from his father. After participating in several parties, he decided to reciprocate the politeness of his friends by giving a grand dinner. He made costly and elaborate

arrangements for a certain day, and sent invitations to the first gentlemen of the town. The dinner was a success; guests had a splendid time; Leonard's grand feast was the theme of comment and praise for many days. But in the course of some two weeks following, each individual guest was interviewed by Charles, and a loan of five dollars politely requested until he could get a remittance which was every day expected. After having enjoyed the hospitality of their friend so recently, the gentlemen could hardly refuse the small loan asked for, and the necessary funds were obtained in this manner to liquidate the expenses of his feast. He became such an annoyance that, in 1816, seven of the foremost citizens of Taunton petitioned to his guardian to have him confined in the county jail. A piteous correspondence between him, his father, and his guardian during his incarceration is extant. In a fit of delirium tremens he attempted to end his life in the winter of 1816–17. He was later confined in the McLean Asylum, but released upon improvement and taken in charge by a private family. After his father died, he went about the streets in a demented condition, repeating — "The Chief Justice of Bermuda is dead." In May, 1831, he was found dead by the roadside as the result of a debauch.

In considering Leonard's religious experience, we cannot conceive him petrified into a bigot. No

record appears that he, like Paine, joined the church in youthful years, but we rest assured that his father, "very worshippefulle Ephraim Leonard," took the boy along with him to sit in the front pew, and being a man of eminent piety and religion, he doubtless often had the minister as guest. That worthy would not allow Daniel to forget the first precept of the old New England Primer, "In Adam's fall we sin-ned all." On Sunday the boy may have committed to memory the Thirty-nine Articles of the Westminster catechism or have read Wiggleworth's "Day of Doom"; and he may not have been a stranger to the warning touch of the hickory stick in the hands of the tithing-man, Elder Hodges. Daniel Leonard's grandfather had been one of the chief agents in achieving the separation of Norton from Taunton in 1711, in order that a new church might be built for the accommodation of those who walked (carrying their shoes in their hands for economy) ten miles to Taunton Meeting-House. Ephraim Leonard had been senior deacon in the church which Daniel attended in his youth. Daniel's aunt married Rev. Mr. Clapp, of Taunton. He had uncles and cousins among the clergy; in one family the four brothers were deacons. He occasionally came to Taunton to the second Meeting-House (built in 1727 and used until 1790, situated where the present Unitarian Church stands).

But his thoughts — for through his life Beauty was never divorced from Truth — may have wandered from the hereafter to the bright face of Anna White in her Sunday poke-bonnet and dimity furbelows. It was but in the natural course of events to find him drifting back to the pomp and ceremony of the English Church. To many of the positive, bishop-hating Pilgrim descendants such a course was an instance of the melon reverting to the gourd.

Leonard was not the "Last of the Loyalists," for S. S. Blowers, who died in 1842 in New Brunswick, held that distinction, as the venerable Charles Carroll of Carrollton was known as the "Last of the Patriots." Leonard was the last of the Boston barristers and probably the last of the Massachusetts Tories exiled in England. His will, dated 1821, which may be seen at the Recorder's office in London upon payment of a shilling, gives fourteen thousand dollars for the support of his son, Charles, and the remainder of his property to his three daughters. His executors were his grandson, Leonard Stewart, and A. E. Searle. The will requested that the funeral be "modest."

LAST SCENE OF ALL

Chapter XXV

Passing of a Patriot

Stirred up with high hopes of living to be brave men and worthy patriots, dear to God and famous to all ages. — Milton.

JOHN QUINCY ADAMS, contemplating his own portrait in closing years, wrote beneath it, "A life of sorrow and an age of storm." Reviewing the long series of life's misfortunes, disappointments, passions, temptations, duties, Paine might have concurred with Adams in these sentiments. He passed through the age of storm and bore his full share of life's unhappiness. The loss of property when a young man was a blessing in disguise. Makers of history with heart and mind filled with right purpose may do a large business on small financial capital. Though he left little money to his family, he was a notable example of diligence, frugality, honesty, and thrift. A glowing satisfaction came to him as he wrote to his friends, "I have served Massachusetts; no one can say that I have eaten the government bread in idleness." His was a life of forthright duty, imbued with a sense of freedom which was ingrained in his character. His instincts were grounded on right and justice. Firm but not fana-

tic in his beliefs, he bore onward the torch of liberty lighted by his Cape Cod forbears.

Looking back to the dim figures of the past, when he reviewed his confrères who had signed the Declaration of Independence, they seemed to have reached more shining pinnacles of popular favor than he; — Hancock, President of the Congress, was Governor several terms, as was also Sam Adams; Gerry had been Governor and Vice-President, while his lifelong friend, John Adams, whom he spoke of as a "numbskull and blunderbuss" in his hobbledehoy years, had become President of the United States. In these reveries, did Leonard reappear upon the brain-screen, and did Paine think kindly of the old judge in Bermuda?

Whatever may be the value of Paine's services measured with those of his greater compatriots, it is sufficient title to lasting honor that he had a place among those who established the American nation, endorsing its credit and stability with his life, and that he was active in forming under it a commonwealth of acknowledged leadership.

While gardening in May, 1814, he caught cold and took to his bed. Next day, he called for his will to add a codicil distributing his meagre estate in several items. Two days later, as Boston was welcoming Commodore Perry back from Lake Erie, Paine passed beyond as peacefully as the sun

dies in the western sky on a summer evening. As he lay sleeping in his coffin, John Adams came to look on his silent face, and went home to write:

Alas! the Massachusetts triumvirate is broken. Judge Paine is no more. An old German, Doctor Turner, when I was a little boy, asked me the age of my father. When I told him as well as I knew, "Alas!" said the old gentleman, "your father's age is so near my own, that, when one dies of old age, the other may quake for fear." If death were terrible to Gerry or to me, the death of Paine might make us quake for fear.

His body was borne to its final resting-place but a few steps from his birthplace and lies in a wall tomb in the Old Granary Burying-Ground. The Sunday after his decease, a eulogy of Judge Paine was spoken in the First Church from the text: "He put on righteousness and it clothed him; his judgment was as a robe and a diadem."

Thus Paine passed from his earthly labors; but his life did not end at the marble slab. So long as Young America shall continue to fire cannon, beat drums, ring bells, blow trumpets, and sing patriotic songs, the night before the Fourth, so long the name of Paine remains secure and immortal in the minds of his happy and grateful countrymen.

Chapter XXVI

Last of a Loyalist

I feel like one who treads alone some banquet hall deserted.
Moore.

A LETTER, written by Daniel Leonard in his eighty-seventh year, closes with a fine depth of human feeling, giving an index to the heart of our aged exile.

It is so late in the day with me that I shall hardly think of crossing the Atlantic again, tho' I sometimes think of doing it that I may lie by the side of my father. I rejoice to think you have made Charles so comfortable.

Yours truly,
Daniel Leonard.

The ties of his old home were tugging at his heart. Living with Harriet in one of the myriad, closely packed, brick houses in the heart of London, his chamber window opened within reach of a neighboring roof. In the summer of his ninetieth year, the old man thought he saw, during the watches of a night, a stealthy figure seeking entrance to his room through the open casement. The next evening he placed a loaded pistol where his hand could grasp it, and slept with one eye open for

several nights without further alarm. Then one day a pistol-shot aroused the family. They hastened up-stairs, burst into his room, and found the aged occupant groaning on the floor, while a wisp of smoke wreathed from the pistol on the coverlid. They lifted the body; bolstered it among the pillows; chafed the stiffening limbs. Was it accident? Was he drawing the pistol charge? Or was it *felo de se?* The answer was hidden in the stertorous breathing, in the blood oozing from his vitals, the tear that rolled down the withered cheek, and the inarticulate murmur that bubbled from his lips. In the weariness of years he was crossing the silent seas, bound home.

> He 's walk'd the way of nature;
> And to our purposes he lives no more.

A CALENDAR OF LIVES

A CALENDAR OF THE LIFE OF R. T. PAINE

1694. Rev. Thomas Paine born.
1719. Ordained minister at Weymouth.
1724. Marries Eunice Treat.
1731. Robert Treat Paine born, March 14.
1738. Enters Boston Latin School.
1745. Leaves Latin School for Harvard.
1747. Eunice Paine (mother of Robert) dies in Boston, October 15.
1749. Robert graduates from Harvard College.
1750. Usher at Boston Latin School.
1751. Teaches school at Lunenburg.
1752–3–4. Sea-captain; makes trips to Carolina, Europe, and Greenland.
Quits sea November, 1754.
1755. Minister at Shirley, Massachusetts.
September 1 to December 31, Chaplain on Crown Point Expedition.
1755–6–7. Studies law with Squire Willard at Lancaster and Judge Pratt in Boston.
1757. Admitted to the Boston Bar, May.
Father dies, insolvent, at Weymouth, May.
1758. Tries the law in Boston and Falmouth (now Portland).
First mention in his diary of visiting Taunton.
1761. Takes up residence in Taunton.
1760–80. Practises law in southern Massachusetts.

1768. Sent as delegate to Bernard's Convention, Faneuil Hall, with James Williams.
Moderator at Town Meeting, Taunton.
1769. Surveyor of Highways, Taunton.
1770. Marries in Attleboro, March 15, Sally Cobb, born 1744.
Son Robert born, May 14.
Boston Massacre Trial, October and November.
1771. Builds a home northeast side of Taunton Green.
1773–4–5–7. Elected to General Court of Massachusetts.
1774–5–6. Delegate to Continental Congress, Philadelphia.
1776. Declines appointment to Supreme Bench of Massachusetts.
Signs Declaration of Independence, July 4.
1777. Speaker *pro tem* of Massachusetts Provincial Assembly.
Elected Attorney-General of Massachusetts, August.
1778. Family inoculated for smallpox by Dr. Cobb.
1779. Children baptized by Rev. Mr. Turner.
Thomas Cobb, Paine's wife's father, dies.
Member of Constitutional Convention.
Member of Council.
1780. Declines appointment as Judge.
Assists at framing Massachusetts Constitution.

Moves to Boston, corner of Milk and Federal Streets, in April.
A Founder of the American Academy of Arts and Sciences.
1790. Accepts appointment to Supreme Bench.
1804. Resigns judgeship.
LL.D. Harvard.
Elected to Governor's Council.
1811. Son Robert dies.
Grandchild dies the same day.
1814. Robert Treat Paine dies, Boston, May 14.
1816. His widow dies, Boston, June 6.

A CALENDAR OF THE LIFE OF DANIEL LEONARD

1706. Ephraim Leonard born in Norton.
1739. Ephraim Leonard and Judith Perkins married.
1740. Daniel Leonard born, Norton, May 30.
Mother dies September 4.
1750–56. Daniel studies with Rev. Mr. White.
1756–60. At Harvard College.
1760–5. Studies law.
1763. Selectman of Norton.
1766. Admitted to the Bar.
Honorary degree at Yale.
1767. Marries April 2, Anna White, born 1741.
1768. Daughter Anna born, April 4.
Anna White Leonard dies, April 4.
1769. Daniel Leonard elected King's Attorney in place of Colonel White, deceased.
1769–70–1–3–4. Elected to General Court.
1770. Marries, March 4, at Boston, Sarah Hammock, born 1745.
1774. Signs address to Hutchinson, May 30.
Appointed Mandamus Councillor, August 16.
Driven from Taunton by mob, August 21.
1774–5. Writes "Massachusettensis Papers."
1775. Solicitor of Customs for Port of Boston.
1776. Leaves for Halifax with family, March 17.
Arrives in London, August 12.

1778. Proscribed by Massachusetts Government under penalty of death, May.
Family joins him in London, August.
1779. Admitted to Temple Bar as barrister.
Property confiscated.
1781. Chief Justice of Bermuda.
1786. Ephraim Leonard dies leaving property to Daniel's son.
1799 and 1808. Daniel visits America.
1806. Second wife dies on the way to Providence.
1815 (about). Returns to London, England.
1828. Writes Will.
1829. Dies by his own hand, June 29, London.
1831. Son found dead in the road, Norton.
1849. Harriet, his daughter, dies, aged 75.

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